



John Wainwright

NOMO-AEΞIKON: A Law-Dictionary.

Interpreting such difficult and obscure
WORDS and **TERMS**,
As are found either in

Our *Common or Statute, Ancient or Modern*

LAWES.

WITH
REFERENCES to the several Statutes, Records,
Registers, Law-Books, Charters, Ancient Deeds, and
Manuscripts, wherein the Words are used;

And *Etymologies*, where they properly occur.

Coke on Littl. fol. 68. b.

Ad rectè docendum oportet primum inquirere Nomina; quia rerum cognitio à nominibus rerum dependet.

By **THOMAS BLOUNT**
of the Inner Temple Esq;

In the SAVOY.

1st Ed. 1670

and Henry

250-057
Direct
5-7-79



To the Right Honorable

Sir Orlando Bridgeman Knight and Baronet, Lord
Keeper of the Great Seal of England; Sir John
Kelynge Knight, Lord Cheif Justice of His Majesties
Court of Kings Bench, and Sir John
Vaughan Knight, Lord Cheif Justice
of His Majesties Court of
Common Plead.

MY LORDS,



S it is certainly my bounden duty to offer,
and submit these my timorous and bashful
endeavors to your great Judgments; so
it is my Interest to implore the benignity of
your auspicious Patronage of them. For
the publishing these Papers, I had onely
two Motives: The first and principal to erect a small
Monument of that vast respect and deference, which I
have for your Lordships, who are not onely the Oracles of
our Law, and Grand Exemplars of Justice; but the
glory and ornaiment of that Honorable Society, whereof
(however unworthy) I boast my self a Member, and which
at present justly claims the preheminence above the rest, by
producing more persons, dignified with the Judiciary scarlet
Robe, then the other Three, and filling up, by due merit,
the most eminent Seats of Judicature in the Nation.
The other, to gratifie an ambitious inclination of my own,
of leaving behinde me somewhat (how inconsiderable soever)

The Epistle Dedicatory.

that may, in some measure, excuse me to posterity, from having been a truantly and useless Member of that Learned and Active Body. If your Honors shall allow me, to have fulfil'd my duty in the one; and obtained my design in the other, I have the desired effect of my Labors: Nor hath my greatest ambition any thing higher to aym at, then that I may, with your Lordships permission, subscribe my self

My Lords,

Inner Temple,
20 June.
1670.

Your most humble

and obedient Servant

THO. BLOUNT.

Preface.

Preface.

Some will perhaps wonder, why I took so much pains to write this *Book*; and object, that we have two good Ones of this kind extant; *Cowels Interpreter*, and *Terms of the Law*, nay haply thrust in *Leighs Phylological Commentary*, as a third: I answer, though it is not my design to raise the reputation of this *Work*, by disvaluing Those, yet it may be allowable modestly to declare their Defects, that my undertaking this may not appear unnecessary.

Doctor Cowel was certainly a Learned Man, and his Enterprise very commendable, but his Profession the Civil Law; and, that he did not singly intend his *Interpreter* for us, appears by his often expressing what each word signifies in the *Common Law*, to distinguish it from the *Civil*; in which learning he bestowes a considerable part of his Book. He ingenuously says, *His design is the advancement of knowledge, and to incite others to finish his model, and supply his defects*, which in truth are not a few; For, he directly mistakes the meaning of some Words, and derivation of others, as **Ordel**, **Hindbruch**, **Brodehalpeny**, **Furlong**, **Abishering**, **Third-With-hawanman**, &c. He confounds **Realty** with **Royalty**, and **Commote** with **Comorth**, which are distinct words. In the word **Honor**, he sayes, that in reading he has observ'd *thus many Honors in England*, and sets down 25; wherein, either his Reading was short, or his observations defective; for, I have collected above twice that number out of approved Authors and Records, in being when he wrote. He is sometimes too prolix in the derivation of a Word, setting down several Authors Opinions, without categorically determining which is the true; as in **Erchequer**, **Withernam**, **Herald**, **Earle**, **Justices of Trailbaston**, **Pawnage**, **Purlieu**, &c. And lastly, gives us divers bare Words without explication, as **Cone & Key**, **Calendring**, **Coggs**, **Duch**, **Lancegay**, **Palingman**, **Bread of treet**, &c. which I have supply'd; Not but that I have left some *quere's* too, but those in Words of greater difficulty.

The Author of the *Law-Terms* was without doubt not less learned; but, wrote so long since, that his very Language and man-

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ner of expression was almost antiquated, till help'd by the late correction of it; He has added to divers *Words* several *Cases in Law*, relating thereto in general, not tending much to their explication; which I have declin'd, lest the bulk should swell too big, and the principal Design be wav'd: He omits the *Etymons* for the most part, and is much more copious in the first part of the *Alphabet*, then in the later, which argues, the Author had not time, or perseverance to finish it. They are both much wanting in the number of *Words*, especially the later; For *Covel* glean'd many after the Author of the *Law-Terms* had inn'd his Harvest: yet, both have much useless and repealed Law in them; as in reference to *Tenures by Knights-service* and their Appendices, *Wardship*, *Villenage*, *Purveyance*, *Star-chamber*, *Knight hood*, &c. For, thus sayes the learned Author of the *Preface to Roll's Abridgment* —— *As time, and experience, and use, and some Acts of Parliament have abridg'd some, and antiquated other Titles, so they have substituted and enlarged others.* *Covel* also, especially in the *Folio Edition*, (besides the misalphabeting) is extreamly misprinted; yet the *Terms of the Law* will still deservedly retain an usefulness *pro tanto*, and particularly for the *Law-French*, to instruct the young Student therein.

Leigh affords not the least Objection against my Undertaking; for, he is a *Commentator*, not an *Expositor*; his Title speaks it, though sometimes he acts a little in both capacities.

Having found these, among other, as I judg'd, important defects in those *Authors*, consider'd the usefulness of Books of this Nature, and reflected on these Expressions of the

* *Coke on Litt. fo. 325.*
a. & 106. b.

* *Oracle of our Law* —— Here, as in many other places it appears, how necessary it is to know the signification of *Words*. And again, That the explanation of ancient *Words*, and the true sense of them is requisite to be understood, per *verba notiora*: I was encourag'd to bestow my endeavour herein. And, it will abate the wonder, that I, who *inter doctos me non effero*, should yet not onely assume the liberty in many places to correct those learned *Authors*, but also make an additional collection of above a thousand *Words*; if it be consider'd, That they wanted those Helps I have had, viz. That incomparable *Glossarium Archaiologicum* of Sir Henry Spelman; The elaborate *Institutes* of Sir Edward Coke; That excellent *Dictionarium Saxonico-Latino-Anglicum* of Mr. Somner; The Learned Works of Mr. William Dugdale, Mr. Fabian Philips, and others, publish'd since those

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those Authors wrote. My Genius has also led me (though sometimes diverted) to this kind of search these thirty years, as my *Glossographia* will in some measure witness; For, whil'st my Contemporaries studied the Law it self, and gain'd Riches; I was hunting after the difficult and uncouth Terms of it, and got nothing, but my own satisfaction.

Nor can I otherwise judge, but a *Nomo-lexicon* may be as necessary and useful in our Law-Common-wealth, (even from the *Coif* to the puny-Clerk) as a *Lexicon Juridicum* among the *Civilians*, or *Lexicon-Medicum* with the *Physitians*; since I am by this time perswaded, that no Law or Science has more abstruse Terms then ours.

Now, that I may in some measure prevent the Readers suspition, that my abilities are not commensurate with so great an Undertaking; Ple tell him freely, I have, in this Meadow, made little hay with my own fork; but, in the more common words have made use of *Cowel*, *Lambert*, *Crompton*, *West*, *Terms of the Law*, *Skene*, &c. yet seldom without Corrections, Contractions or Additions; In the Supplementals, *Braston*, *Britton*, *Fleta*, *Spelman*, *Camden*, *Coke*, our several *Reporters*, and divers other Authors have been my Guides: And, in such Words, wherein Printed Books afforded me no light, I have consulted *Records*, *Charters*, ancient *Manuscripts*, and some of the best *Antiquaries* of these times, from whom I received both encouragement and assistance.

To many Words I have added their *Etymologies*, where I found them apposite, encouraged thereto by the opinion of a Learned Judge

— *Etymologies*, if they be rightly us'd, and drawn from the final cause, or from the Effect, do not only yield an Argument of good consequence, but also afford much illustration and delight.

I have briefly inserted all the old Writs out of the Registers, though many of them are worn out of use; and have not omitted even the *Mechanick Words*, mentioned in our *Statutes*; since there may be use of such knowledge in *Pleadings*: And Lawyers (as *Cowel* well observes) professing true Philolophy, should not be ignorant of such, nor even of Trees, from the *Cedar of Lebanon* to the *Hysop* that springs out of the Wall.

Though, to gratify the young Student, I have inserted some Words, which will seem very common to the more Learned, yet I have rejected divers found in *Cowel*, as too mean, and indeed not

Dodridge's English Lawyer,
fo. 75.

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at all deserving an explication ; such are *Groome*, *Slice*, *Copie*, *Revels*, *Toile*, *VWedding*, *Banbels*, &c. And the names of our common Drugs and Spices, mentioned in the Statute of 1 *Jac.* Besides the general design of this *Dictionary* in explaining the difficult Law-terms both ancient and modern, I conceive the Student may make a further use of it, as a *Repertory*, or *Common-place* ; Since many Statutes, Law-books, Charters and Records are cited, or referr'd to in most words : For, I have heard, the learned *Lord Keeper Littleton* made use of *Cowels Interpreter* for the like service.

If I have sometimes committed a *Jeofaile*, or hunted Counter in any explication or Etymology, in so large a field of words, and stor'd with such variety of *Game*, it will be no wonder, and, I hope, will draw no

censure upon me from the Ingenuous : *Quis*

Spel. in Pref. Glossar.

enim mortalium in argumento tam vario & im-

*menso ; tam nodoso, rigido & catiginozo, alias non erret, alias non cœ-
citat ?* Besides, the learned *Spelman* sometimes concludes a Word with a *sator me ignorare*, and even Sir *Edward Coke* has err'd (pardon the boldness of that word) at least in Etymons, as in *Atia*, *Hotchpot*, *Panel*, *Heriot*, *Domicellus*, &c. Therefore, if I leave some words with a *Quære*, or a *Fortasse*, to be resolved, or corrected by the more learned ; it is but what *Cowel* frequently, and *Spelman* has sometimes done.

Facile est recolere, laboriosum condere.



Advertisements.

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O the end the Reader may readily know the Series of our Kings from the Conquest, and, for the most part, in what Kings Reign a Charter without Date is made, by His Title; and again, in what Year of our Lord every King Reigned, and how long, I have prefix'd a Necessary Table to that purpose.

Such also of the Saxon Characters, as are different from the Common; since, through the want of some knowledge in that Language, Authors have committed many Errors; The word **Ge-suma** being by some miswritten Gresslume, by others Grossome, and by some Gressame. **Guthbreche** occurs in some, Gethbreche, Grithbrich, Greatbreach, Grichbreach, and Greachbreach: So for repe & rite (Were & Wite) we meet with Pere & Pite, and the like of divers other words.

Before the Conquest Charters were usually dated; sometimes by Olympiads, sometimes by Calends, Nones & Ides, but most frequently by the year of our Lord. After the Conquest, Dates were commonly omitted, especially in the Deeds of Subjects, till King Edward the Second, and Edward the Thirds dayes. and thenceforth the year of the Kings Reign, or that of our Lord was constantly inserted: So that Deeds, made since the Conquest, and found without date, may be presumed to be in time before those Kings Reigns.

Witnesses names were added in the body of the Deed, and with the same Hand the Deed was written, till and in King Henry the Eighths time; but now changed into Endorsements, where the Witnesses subscribe their own Names.

Additions to persons Names in publick Writings and Pleadings were very rarely used till the Statute of 1 Hen. 5.

ADVERTISEMENTS.

In my Progress, where any ancient Charters or Records were judged to be extraordinary, either for matter or form, I have transcribed them at large, but the generality are abridg'd, to avoid prolixity. One onely Seal of King Edward the Fourth, as he was Earl of March, I was induced, as well for the rarity, as preservation of it, to exhibit in Sculpture, though without the limits of my Province.

I need not Apologize the Latin, where it occurs, since both in ancient, as well as the modern times, our Law-pleadings, Charters and Records were always expressed forensi latinitate, which is acknowledg'd not to be of the purer sort; And æ Diphthongs of old seldom used, though I have mostly supply'd them.

To some Words I have added the variæ lectiones I met with, as **Churcheset**, **Flemenefyrinthe**, **Lairwite**, **Savage**, &c. To others the Etymons, which sometimes proved the more difficult, in that divers of our Law-Terms, of birth since the Conquest, are voces hybridæ, mungrel words; one part Saxon, the other French or Latin, not without a mixture sometimes of British and other Languages.

The Records and Charters I cite were for the most part copied from the Originals; some from printed Books of unquestionable Authority; others, from the Collections and Manuscripts of faithful and industrious lovers of Antiquity.

The SAXON CHARACTERS which differ from the VULGAR.

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A Titular and Chronological TABLE of our KINGS and QUEENS from the Conquest, to the present, 1670.

Kings NAMES and Titles.	Began their R. Y. M. D.	Reigned Y. M. D.	Since they Reigned.
1. W ilhelmus Rex ; Wilhelmus Rex Anglorum ; & Wilhelmus Rex Anglorum, Princeps Normanno- rum atque Cynomanenium.	1066 Oct. 14	20 11 22	583 Sept. 9
2. Willielmus Rex Anglorum, & Willielmus dei gratia (& nutu Dei) Rex Anglorum	1087 Sept. 9	12 11 18	570 Aug. 1
1. Henricus Rex Anglorum ; Henricus Dei gratia Rex Anglorum & Henricus gratia Dei Rex Anglorum & Princeps Normannorum	1100 Aug. 1	35 4 1	535 Dec. 1
Stephanus Rex Anglorum, & Stephanus Dei gratia Rex Anglorum.	1135 Dec. 1	18 11 18	516 Oct. 25
2. Henricus Rex Angliae, Dux Normaniæ & Aquitaniae & Comes Andegaviae	1154 Oct. 25	35 9 8	481 July 6
1. Ricardus Rex Angliae, Dux Normaniæ & Aquitaniae & Comes Andegaviae	1189 July 6	9 9 1	471 April 6
Johannes, Dei gratia, Rex Angliae, Dominus Hiberniae, Dux Normanniæ, Aquitaniae & Comes Andegaviae	1199 April 6	17 7 0	454 Oct. 19
3. Henricus, Dei gratia Rex Angliae, Dominus Hiberniae, Dux Normanniæ, Aquitaniae & Comes Andegaviae. Anno Regni 44, He Styl'd himself, Henricus Dei gratia, Rex Angliae, Dominus Hiberniae & Dux Aquitaniae.	1216 Oct. 19	56 1 9	398 Nov. 16
1. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae & Dux Aquitaniae. In Records sometimes named Edward of Westmister.	1272 Nov. 16	34 8 6	363 July 7
2. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae & Dux Aquitaniae. And, 14 regni, added Comes Pontivi & Monstroill. Pat. 14 Ed. 2. Par. 2. m. 14. Siled also Edw. of Carnarvan.	1307 July 7	19 7 5	344 Jan. 25
3. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae & Dux Aquitaniae. Anno 13 Regni he omitted Dux Aquitaniae. He was also called Edward of Windsor, and was the first that used Post Conquestum in His Title.	1326 Jan. 25	51 5 7	293 June 21
2. Ricardus Dei gratia, Rex Angliae & Franciæ & Dominus Hiberniae.	1377 June 21	22 3 14	271 Sept. 29
4. Henricus Dei gratia, Rex Angliae & Franciæ & Dominus Hiberniae.	1399 Sept. 29	13 6 3	257 Mar. 2
5. Henricus Dei gratia, Rex Angliae & Franciæ & Dominus Hiberniae. Et Anno Regni 8, Hen Dei Gratia, Rex Angliae, hæres & Regens Franciæ & Dominus Hiberniae.	1412 Mar. 20	9 5 24	248 Aug. 21
6. Henricus Dei gratia, Rex Angliae & Franciæ & Dominus Hiberniae.	1422 Aug. 31	38 6 8	210 March 4
4. Edwardus Dei gratia, Rex Angliae & Franciæ, & Dominus Hiberniae.	1460 March 4	23 1 8	187 April 9
5. Edwardus Dei gratia, Rex Angliae & Franciæ, & Dominus Hiberniae.	1483 April 9	0 2 18	187 June 18
3. Ricardus Dei gratia, Rex Angliae & Franciæ, & Dominus Hiberniae.	1483 June 22	2 2 5	185 Aug. 22
7. Henricus Dei gratia, Rex Angliae & Franciæ, & Dominus Hiberniae.	1485 Aug. 22	23 10 2	162 Apr. 22
8. Henricus Dei gratia, Rex Angliae & Franciæ & Dominus Hiberniae. Et Anno 10 Regni, Henricus octavus Dei gratia, &c. Anno 13 Regni, fidei Defensor was added. Et An. 22 Regni, in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput, was added. Et an rce. 34, Rex Hiberniæ was added.	1509 Apr. 22	37 10 2	124 July 28

<i>Kings NAMES and Titles.</i>	<i>Began their Reigns.</i>	<i>Reigned Yr. Mo. Da.</i>	<i>Since they Reigned.</i>
6 Edwardus Sextus, Dei gratia, Angliae Franciae & Hiberniae Rex, fidei Defensor, Et in terra Ecclesiae Anglicanæ & Hiberniae supremum caput.	{ 1546 Jan. 28	6 5 19	117 July 26
Queen Mary summon'd her first Parliament by the same Title, but soon after omitted Supremum Caput. After She Married King Philip, She used Her own and his titles, &c.	{ 1553 July 26	5 4 22	112 Nov. 17
Elizabetha Dei gratia, Angliae, Franciae & Hiberniae Regina, Fidei defensor.	{ 1558 Nov. 17	44 4 16	68 March 24
Jacobus Dei gratia, Angliae, Scotiae, Franciae & Hiberniae Rex, Fidei defensor.	{ 1602 Mar. 24	22 3 2	45 March 27
1 Carolus Dei gratia, Angliae, Scotiae, Franciae & Hiberniae Rex, Fidei defensor.	{ 1625 Mar. 27	23 10 2	22 Jan. 30
2 Carolus Secundus, Dei gratia, Angliae, Scotiae, Franciae & Hiberniae Rex, Fidei defensor.	{ 1648 Jan. 30.	Vixit.	Vixit.

OGDOSTEICHON TECHNICON Regum Reginarumque Angliae.

Will. Conq. Will. Rufus, Henr. Steph. Henq; secundus,
Ric. John, Henricus, tres Edward, Rijs, secundus,
Post hos regnavit quartus, quintus quoque Henr.,
Hen. sextus, Edward quartus quintusq; Ricardus
Tertius, Hen. Sept. & Oct. Edwardsq; Maria,
Eliz. Fac. Carolus primus, CAROLUSQUE SECUNDUS
Regnat; & aeterno vivat præclarus honore,
Imperium Oceano, famam qui terminet astris.

A Law-Dictionay:

Interpreting such difficult Words and obscure Terms,
as are found, either in our Common or Statute,
Ancient or Modern

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A B

A



Abactors (*abactores*) were stealers of Cattle or Beasts, by Herds or great numbers; and were distinguished from *Fures*. *Nam qui orem unam surripuit, ut fur coeretur, qui gem, ut abactor.* M. S.

rather an effect of it: For the Exception alledged and made good, works the *Abatement*. And this Exception may be taken, either to the insufficiency of the Matter, or uncertainty of the Allegation, by misnaming the Plaintiff, Defendant, or place; to the variance between the Writ, and the Specialty or Record; to the uncertainty of the Writ, Count, or Declaration, or to the death of either of the parties, before Judgment had, and for divers other causes: Upon which defaults, the Defendant may pray, That the Writ or Plaintiff may *abate*; that is, the Plaintiffs suit against him, may cease for that time. To prevent the *Abatement* of Writs of Error, see the Statute 16 Car. 2. cap. 2. Sir Edward Coke says, *Abatamentum* is a word of Art, and signifies an Entry by interposition. On Littl. fol. 277. where he shews the difference between *Abatement*, *Dissentio*, *Intrusion*, *Deforcement*, *Usurpation*, and *Purpresture*.

Abbacp (*abbatia*) is the same to an Abbot, as Bishoprick to a Bishop: We may call it his *Paternit*. *Talis Abbatia (que Paternitas Latino nomine dicitur) funditus removable.* Concil. Meldens. Anno Dom. 845. cap. 10. The word is used Anno 34 & 35 Hen. 8. cap. 17, 18. *Sciante quod ego Isabella Comitissa Penbr. pro salute anima mea Dedi Deo & Abbathia de Nutteleg. totam Wicham juxta prædictam Abbathiam, &c. sine dat.*

Abbat or Abbot (*Abbas*) A Spiritual Lord, that has the rule and preeminence over a Religious House. He is by Justinian termed *Archimandrita*, by others *Cenobiarca vel Archimonachus*. Of these, some in England were mitred, some not: The mitred were ex-

Abate (from the French *abatre* or *abattre*, i. To fell, break down or de'eat utterly) signifies properly, to diminish or take away; and in our Law-writers, it has a like signification: For to *abate* a Castle or Forte: *(old Nat. Br. fol. 45.)* in *Westm. s. cap. 17.* is interpreted to beat it down. And to *abate* a Writ, is to defeat or overthrow it by some error or exception. *Briston. cap. 48.* As he that puts out the Possessor is said to *Disseise*; so he that steps in between the former Possessor and his Heir, is said to *abate*. And in the Stat. *De conjunctim Feoffatiis*, 34 Edw. 1. The Writ shall be *abated*, that is, shall be disabled or overthrown. So in *Stamfords Pleas of the Crown*, fol. 148. The Appeal *abates* by *Covin*, i. The Accusation is defeated by *Deceit*, *Anno 11 Hen. 6. cap. 2.* — *The Justices shall cause to be abated and quashed the said Writ.* See *Intrusion*.

Abatement (Fr.) is sometimes used for the Act of the *Abator*; as the *Abatement* of the Heir into the Land, before he has agreed with the Lord. *Old Nat. Br. fol. 91.* Sometimes for the affection or passing the thing *abated*; as *Abatement* of the Writ. *Kitchin, fol. 214.* And in this signification it is as much as *Exception dilatoria*, with the Civilians (*Brit. cap. 51.*) or

empt from the jurisdiction of the Diocesan, having Episcopal Authority within their Precincts, and being also Lords of the Parliament; which were called *Abbots Sovereign* (Anno 9 Rich. 2. cap. 4.) and *Abbots General*; The other sort were subject to the Diocesan in all Spiritual Government. And as *Abbots*, so were there Lord *Priors* also, who, both had exempt Jurisdiction, and were Lords of Parliament, as appears by Sir Edw. Coke, *de Jure Eccles.* fol. 28. Of which Lord *Abbots* and *Priors* that late in Parliament, some Authors reckon but Twenty six: Sir Edw. Coke says they were Twenty seven *Abbots* and two *Priors*. (On Littl. fol. 97.) In the Parliament 20 Rich. 2. there were but Twenty five *Abbots* and two *Priors*. But in the Summons to the Parliament at *Winton*, Anno 4 Edw. 3. (in *Dorsum claus. ejusdem An. Membran.* 41.) I finde more named, to which I have added the *Founders* out of Mr. *Dugdale's Monast. Engl.*

*Abbots and Priors.**Founders Names.*

- 1 Abbot of S. *Austins* in *Canterbury*. *Ethelbertus Rex*, Anno 602.
- 2 Abbot of *Ramsey*. *Alwinus Semi Rex*, 969.
- 3 Abbot of *Peterborough*. *Wulferus Rex*, 664.
- 4 Abbot of *Croyland*. *Ethebald Rex Mercia*, 726.
- 5 Abbot of *Evesham*. *Egwin Episc. Wigorn*, 700.
- 6 Abbot of St. *Benedict de Hulme*. *Canutus Rex*, Anno 1026.
- 7 Abbot of *Thornby*. *Wil. Albemarle sub Hen. 2.*
- 8 Abbot of *Colchester*. *Eudo Dapifer*, Hen. 1.
- 9 Abbot of *Leicester*. *Rob. Bosse*, *Comes Leic.* 1141.
- 10 Abbot of *Winchcomb*. *Kenulphus Rex Mercia*, 789.
- 11 Abbot of *Westminster*. *Sebert Rex Occid. Sax.* 604.
- 12 Abbot of *Cirencester*. *Henricus Primus*, 1133.
- 13 Abbot of S. *Albans*. *Offa Rex Mercia*, 795.
- 14 Abbot of S. *Mary York*. *Alanus Comes Britannie*, 1088.
- 15 Abbot of *Shrewsbury*. *Roger Comes Montgom.* 1081.
- 16 Abbot of *Selby*. *Guiliel. Conqueror*, 1078.
- 17 Abbot of S. *Peters Gloucester*. *Ofric Rex Northumb.* 700.
- 18 Abbot of *Malmsbury*. *Maidulfus Hibern. Scot.* 648.
- 19 Abbot of *Walmgate*. *Heraldus Rex*, 1036.
- 20 Abbot of *Thorney*. *Adelwoldus and Edgatus Rex*, 972.
- 21 Abbot of S. *Edmonds*. *Canutus Rex*, 1020.

- 22 Abbot of *Beau-lieu*. *Johannes Rex*, Anno Regni 6.
- 23 Abbot of *Abingdon*. *Cissa Rex*, Anno 675.
- 24 Abbot of *Hyde*. *Aluredus Rex*, 922.
- 25 Abbot of *Rading*. *Henricus Primus Rex*, 1125.
- 26 Abbot of *Glastonbury*. *Jos. Arimati. Inas Rex Occid. Sas.* 708.
- 27 Abbot of *Osney*. *Rob. Fitz Nigel Doiley*, 1129.
- 28 Prior of *Spalding*. *Jo. Talbott Com. Andegav.* 1074.
- 29 Prior of *Johns of Jerusalem*. *Jordanus Brifet & Ux. ejus*, 1100.
- 30 Prior of *Lewes*. *Will. de Warren Primus Comes Surr.* 1078.

To which were afterwards added,

- 31 Abbot of S. *Austins Bristol*. *Henricus Secundus Rex*.
- 32 Abbot of *Bardey*. *Rex Ethelredus*, 712.
- 33 Prior de *Semplingham*. *Saint Gilbertus*, 1131.

To these also Henry the Eighth added the Abbot of *Tavesthorpe*. And in the *Teste to Magna Charta*, the names of some other *Abbots* are inserted, among the great Men of the Realm. An *Abbot* with the Monks of his House, who were called the *Convent*, made a *Corporation*, and he was not chargeable with the Act of his Predecessor, if it were not by their Common Seal, or for such things as came to the use of the House.

Abbaty (Anno 31 H. 8. cap. 13.) See *Abacy*.

Abettator, an *Abetter*. See *Abet*.

Abzochment (*abzocomentum*) the buying up whole Wares, before they are brought to Market, or out of the Fair or Market, and selling the same by retail. *M. S. de Placit. coram Rege Ed. 3. penes Arthur. Trevor Arm.*

Abuttals (from the Fr. *abutter* or *aboutier*, i. *terminare*) are the Buttins or Boardings of any Land, East, West, North, or South; declaring on what other Lands, High-ways, or other places it does *Abbut*: As in *Crokes Reports*, 2 part. fol. 184. *The Plaintiff hath failed in his Abuttals*, that is, In setting forth how his Land, is abutted and bounded. *Latera autem nunquam aiunt abutare*; *sed terram proximam adjacente*. Those (says *Cambden*) that have Written of *Limits*, say, That certain *Hilllocks* or *Piles of Earth*, which they termed *Botentines*, were set in *Limits*. Hence' peradventure our Buttins and Boundings.

Abepance or **Abbayance** (from the Fr. *bayer*, i. To gape after, or expect; as those are said, *Bayer à l'argent, qui spe atque animo incumbunt pecuniae*) in *Littleton*, cap. *Discontinuance*, Sect. 56. is thus used, *The right of Fee*

Fee-simple lies in Abeyance; that is, as himself interprets it, only in the remembrance, intentment and consideration of the Law. The Frank-tenement of the Gleab of a Parsonage, is in no man during the time the Parsonage is void, but is in *Abeyance*. And it is a Principle in the Law, *That of every Land there is Fee-simple in some man, or it is in Abeyance*. Considering this with the signification of the French word, it is probable our Ancient Law Books would signify hereby a kinde of hope or longing expectation; because those things that are in *Abeyance*, though for the present in no man, yet are they in hope and expectation, belonging to him who is next to enjoy them. For I finde also in the French, that *Bayard* is a Man that gapes or gazes earnestly at a thing. And, this *Abeyance* may be compared to that which the *Cecilians* call *Hereditatem jacentem*. See *Coke on Lestl.* fol. 342. b. And *Plowden casu Walsingham*.

Abet (from the s.i. *ad velusque*, and *hetan*, i.e. emendare, excutare) signifies to encourage, incite or set on. The Substantive *Abettor* is used for an encouraging or instigation. *Stamf. Pl. Cor. fol. 105.* And *Abetter* or *Abettator* for an instigator or setter on. *Old Nat. Br. fol. 21.* But, both Verb and Noun are always used in the evil part: As *Abettors of Murder* are those that command, counsel, or maintain others to murder: And in some Cases such *Abettors* shall be taken as *Principals*, in other, but as *Accessories*, and their presence or absence at the Deed doing, makes a difference in the Case.

Abhersing, (according to *Rastals Exposition*) is to be quit of Amerciaments before whomsoever, for *Transgression* proved. The word originally signifies a Forfeiture, or an Amerciament, and is much transformed in the writing, since more probably it should be *Mishersing*, *Mishring*, or *Miskering*, according to the Learned Spelman. It seems by some Authors, to signify a Freedom or Liberty; because he that has this word in any Charter or Grant, has not only the Forfeitures and Amerciaments of all others for transgressions within his Fee; but also is himself free from all such control, by any within that compas.

Abjuration (*abjuratio*) a forswearing or renouncing by Oath; a sworn banishment, or an Oath taken to forsake the Realm for ever. For, as *Stamford* (*Pl. Cor. lib. 2. cap. 40.*) faith, The devotion towards the Church (first in *Edward* the Confessor's time, and afterward till *22 Hen. 8.*) was so zealous, That, if a man, having committed Felony, could recover a Church or Churchyard, before he were apprehended; he might not be thence drawn to the usual tryal of Law; but confessing his fault to the Justices, at their coming, or to the Coroner, and before them or him, give his oath finally to forsake the Realm: The form and effect whereof you may read in *De Officio Coronatorum*, and in *Horns Mirror of Justices*, *lib. 1. cap. Del Office de Coroner*. *Quando ali-*

quis abjuravit regnum Crucis ei liberata fuit in manus sua portanda in itinere suo per semitas regias & vocabitur vexillum sancta Ecclesia, Essex. Plac. Hil. 26 Ed. 3. But this grew at last to be but a perpetual confining the offender to some Sanctuary, wherein, upon abjuration of his liberty and free habitations, he would chuse to spend his life, as appears *Anno 22 Hen. 8. cap. 14.* It is Enacted *21 Jac. cap. 28.* That hereafter no Sanctuary or Priviledge of Sanctuary, shall be allowed; and consequently *Abjuration* is taken away, *2 Inst. fol. 629.* See *Sanctuary*.

Abolition (*Anno 25 Hen. 8. cap. 21.*) A destroying or putting out of memory. *Instituta actionum peremptio.* The leave given by the King or Judges to a criminal accuser to desist from further prosecution.

Abridge (from the Fr. *Abreger*) to make shorter in words, holding still the whole substance: But in Law it seems to signify, for the most part, the making a *Declaration* or *Count* shorter, by substracting or severing some of its substance. For example, a Man is said to *abridge* his *Plaint* in an *Affize*, or a Woman her *Demand* in an *Action of Dower*, that hath put into the *Plaint* or *Demand* any Land, not in the *Tenure* of the Tenant or Defendant; and, if the Tenant pleads *Nom-tenure*, or such-like *Plea* to parcel of the Land demanded, in *Abatement* of the *Writ*; the *Demandant* may *abridge* his *Plaint* or *Demand* to that parcel, that is, he may leave out that part, and pray the Tenant may answer the rest, to which he has not yet pleaded any thing: The cause is, for that in such *Writs* the certainty is not set down, but they run in general. And though the *Demandant* hath *abridged* his *Plaint* or *Demand* in part, yet the *Writ* remains good still for the rest. *Brook, tit. Abridgment. An. 21 H. 8. cap. 2.*

Abridgment of a *Plaint*. See *Abridge*.

Abrogate (*abrogo*) to disannul, take away, or repeal; as to abrogate a Law, i. To lay aside or repeal it, *Anno 5 & 6 Edw. 6. cap. 3. See Prorogue*.

Absentees or *des Absentees*, was a Parliament so called, held at *Dublin*, *10 May, 28 H. 8.* And mentioned in *Letters Patent, Diss. 29 H. 8.* See *Cokes, 4 Inst. fol. 354.*

Abuttals. See *Ab buttals*.

Accedas ad Curiam (Lat.) is a *Writ* that lies for him, who has received false Judgment, or fears partiality in a *Court Baron*, or *Hundred Court*, being directed to the *Sheriff*, as appears by *Dyer, fol. 169. numb. 20.* As the *Writ De falso judicio* lies for him that has received such Judgment in the *County Court*, the form whereof you may see in *Fitz. Nat. Br. fol. 18.* And in the *Register, fol. 9. b.* where it is said this *Writ* lies for Justice delayed, as well as falsely given; and that it is a *Species* of the *Writ Recordare*.

Accedas ad Vicecomitem, is a *Writ* directed to the *Coroner*, commanding him to deliver a *Writ* to the *Sheriff*, who having a

Pone delivered him, doth suppress it, *Reg. of Writs*, fol. 83.

Acceptance (*acceptatio*) is a taking in good part, and a tacite kinde of agreeing to some former A& done by another, which might have been undone or avoided, if such Acceptance had not been. For example, if Baron and Feme seized of Land in right of the Feme, make a joyn Leafe or Feoffment by Deed ; reserving Rent, the Baron dies, the Feme accepts or receives the Rent : By this the Feoffment or Leafe is made good, and shal bar her to bring the Writ *Cui in vita*. *Coke on Littl. fol. 211. b.*

Accessory or Accessary (*particeps criminis*) most commonly signifies, one that is guilty of a felonious offence, not principally, but by participation, as by command, advice or concealment, and is of two sorts, 1. *Before the offence or fact*, is he that commands or procures another to commit Felony, and is not himself present ; but, if he be, then he is also a Principal. 2. *After the offence*, is he that receives, assists, or comforts any man, that has done any Murder or Felony, whereof he hath knowledge. He who counsels or commands any evil, shall be judged accessory to all that follows upon it, but not to another distinct thing. As, I command one to beat another, and he beats him so, that the other dies of it, I shall be accessory to this murder. But, if I command one to steal a White Horse, and he steals a Black one ; or to burn such a Houfe, which he well knows, and he burns another, I shall not be accessory. If I command one to kill I. S. in the Field, and he kills him in the City or Church, or to kill him at such a day, and he kill him on another, I shall be accessory notwithstanding : For the killing is the substance, and the day, place, or weapon, is but circumstance. But if I command one to kill I. S. and before he hath killed him, I come and say, I am penitent for my malice, and charge him not to kill him, and yet he kills him, I shall not be accessory. Where the Principal is pardoned or hath his Clergy, the Accessary cannot be arraigned ; there being a Maxim in the Law, *Vbi non est principalis non potest esse accessorius* : For, it appears not by the Judgment of Law, that he was Principal ; but if the Principal, after Attainer, be pardoned or hath his Clergy allowed him, there the Accessary shall be arraigned. See Sir Edward Cokes, 2 Part Institutes, fol. 183. In the lowest and highest offences, there are no Accessories, but all are Principals ; as in Riot, forcible Entries, and other transgressions, *Vi & armis*, which are the lowest offences. So in the highest offence, which is *crimen lata Majestatis*, there are no Accessories ; but in Felony there are, both before, and after. *Coke on Littl. fol. 71.* There cannot be an Accessory before the Fact, in Man-slaughter ; because that is sudden and unpremeditated. See more in Stamf. Pl. Cor. lib. 1. cap. 45, 46, 47, 48. Accessories in Petit-Treason, Felony, Murder, shall not have their Clergy, An. 4 & 5 Phil. & Ma. c. 4.

Accompt (*computus*) is taken for a Writ or Action, which lies against a Bailiff or Receiver, who ought to render an account to his Lord or Master, and refuseth. And by the Statute of Westm. 2. cap. 1, if the Accountant be found in arrear, the Auditors that are assignd to him, have power to award him to prisone, there to remain, till he makes agreement with the party. But if the Auditors will not allow reasonable expence and costs, or if they charge him with more Receipts than they ought, his next friend may sue a Writ of *Ex parte talis* out of the Chancery, directed to the Sheriff, to take four Mainpernors, to bring his body before the Barons of the Exchequer, and to warn the Lord to appear there at a certain day. See Fitzb. Nat. Br. fol. 116.

Accord (Fr.) Agreement, Concordance, Consent. Particularly it is an Agreement between two or more, where any person is injured by a Trespass, Offence, or Contract, to satisfie and content him with some recompence, which, if executed, and performed, shall be a good Bar in Law, if the other party (after the Accord performed) bring any Action for the same.

Accroch (Fr. *accrocher*) To hook, clasp, or grapple unto. It is used (*Anno 25 Edw. 3. Stat. 3. cap. 8.*) as Encroach. In France, even at this day *Accrocher un Proces*, signifies to stay a Suit, or to delay the proceeding of it for a time. See *Encroachment*.

Achat (Fr. *Achet*, i. A Bargain or Purchase) is used for a Contract or Bargain. *Brook, tit. Contract. Purveyors were by Parliament, 26 Ed. 3. ordained to be then after called Achators.*

Acquitancia de Shiris et Hundredis, i. *Quod Prior non debet facere scilicet ad Comitatum Norwici vel in Hundredo pro Manerio de Rudham cum pertin. Ex Regist. Priorat. de Cokeford.*

Acquietandis plegis, Is a Writ lying for a Surety against the Creditor that refuseth to acquit him, after the Debt is paid. *Reg. of Writs*, fol. 158. Where it appears, that this is a Justices.

Acquital (from the Fr. *acquiter*, to free, acquit, or discharge) most commonly signifies a Deliverance, discharge, and setting free from the suspicion or guilt of an offence ; and is twofold, *Acquittal in Law*, and *Acquittal in Fact*.

Acquital in Law, Is when, two are appealed or entited of Felony, one as Principal, the other as Accessary ; the Principal being discharged, the Accessary is by consequence also freed. And in this case, as the Accessary is acquitted by Law, so is the Principal in Fact. *Stamf. Pl. Cor. fol. 168.* Acquital is also where there is a Lord, Mesn, and Tenant ; and the Tenant holds Lands of the Mesn, and the Mesn holds over of the Lord Paramount : Now the Mesn ought to *acquit* the Tenant of all services claimed by any other for the same Lands ; for the Tenant must do his service to the Mesn only, and not to divers Lords for one parcel of

of Land. See Coke on Littleton, fol. 100.
Acquittance (acquieantia) Is a Release or Discharge of a Debt formerly due. But the Verb (*acquit*) the Participle *acquitted*, and the Noun *acquittal*, signify also a discharge or clearing from an offence objected; as *acquitted* by Proclamation. *Smith de Rep. Angl.* p. 76.

Staff. Pl. Cor. fol. 168. *Brook tit. Aq'ntal*

Acre (from the Germ. *Acker*, i. *ager*) Is a parcel of Land, containing in length forty Perches, and four in breadth, or to that quantity, be the length more or less. And, if a Man erect any new Cottage, he must lay four Acres of Land to it, after this measure. *Anno 31 Eliz. cap. 7.* With this measure agrees *Cromp in his Jur. of Courts*, fol. 222. Though he says, according to the Custom of divers Countries, the Perch differs, being in some places, and most ordinarily but sixteen foot and a half; but in *Staffordshire* twenty-four foot, as was adjudged in the Case between Sir *Edward Aston*, and Sir *Jahm B.* in the *Exchequer*. In the Statute concerning sowing Flax, (24 Hen. 8. cap. 4.) eightscore Perches make an Acre, which is forty multiplied by four. See also the Ordinance of Measuring Land, 31 Edw. 1. Stat. 1. which agrees with this account.

Action (actio) is thus defined by *Braeton*, lib. 3. cap. 1. & 3. *Actio nihil aliud est quam ius prosequendi in judicio quod alicui debetur;* and is divided into *personal*, *real*, and *mixt*. See *Cokes 2 Inst. fol. 40.*

Action personal, is that which one Man hath against another, by reason of any Contract for Money or Goods, or for offence done by him, or some other person, for whose Fault he is by Law answerable.

Action real, is that whereby the Defendant claims title to any Lands or Tenements, Rents, or Commons, in Fee-simple, Fee-tail, or for life. And every *Action real*, is either *Possessor*, that is, of his own Possession or Seisin; or *ancestral*, of the Seisin or Possession of his Ancestor. *Coke, lib. 6. fol. 3.*

Real Actions, as *Writs of Right*, *Writs of Entry*, &c. And their several Appendixes, as *Grand Capi*, *Petit Capi*, *Receit*, *View*, *Aid-Prayer*, *Voucher*, *Counter-plea of Voucher*, *Counter-plea of Warrantry*, *Recovery in value*, were several great Titles in our Year-Books, but now much out of use. *Preface to Rolls Abridgemen.*

Action mixt, is that which lies indifferently against the thing detained, or against the person of the Detainer; and is so called, because it hath a *mixt* respect, both to the thing and the person: Or (as others define it) is Sute given by the Law to recover the thing demanded, and damages for wrong done: As in *Affize of Novel Disseisin*, which Writ (if the Disseisor make a Feoffment to another) the Disseisee shall have against the Disseisor; and the Feoffee, or other Ter-Tenant to recover not only the Land, but damages also. And so is an Action of *Wast* and *Quare impletum*.

Actions are also divided into *Civil*, *Penal*, and *Mixt*. *Coke, Vol. 6. fol. 61. 2.* *Action Civil* is that which tends only to the recovery of that which by reason of any Contract, or other like cause, is due to us: As if a Man by Action seek to recover a sum of Money formerly lent, &c.

Action Penal aims at some penalty, or punishment in the party sued, be it corporal or pecuniary: As in the Action *Legis Aquilia* in the Civil Law; and with us, the next friends of a Man feloniously slain or wounded, shall pursue the Law against the offender, and bring him to condign punishment. *Braeton, lib. 3. cap. 4.*

Action Mixt, is that which seeks both the thing, whereof we are deprived, and a penalty for the unjust detaining it: As in an Action for Tythe upon the Statute 2 & 3 Edw. 6. cap. 13. *Item est alia Actio Mixta, que dicitur Actio Hirciscundæ, & locum habet inter eos qui communem habent hereditatem, &c.* See *Coke on Littl. fol. 262. b.*

Action is also (according to the Form of the Writ) divided into such as are conceived to recover, either the simple value of the thing challenged, or the double, treble, or quadruple. As a *Decies tantum* lies against *Embracers*. *Fitz-Nat. Br. fol. 171.* And against Jurors that take Money for their Verdict of either or both parties: And to be short, any other Action upon a Statute, that punishes any offence by Restitution or Fine, proportionable to the Transgression.

Action is *Pre-judicial* (otherwise termed *Preparatory*) or else *Principal*. *Pre-judicial* is that which grows from some question, or doubt in the *Principal*: As if a Man sue his younger Brother for Land descended from his Father, and it is objected, he is a Bastard. *Braeton, lib. 3. cap. 4. Numb. 6.* This point of Bastardy must be tried, before the cause can further proceed; and therefore is termed *Pre-judicialis, quia prius judicanda*.

Action is either *Ancestral* or *Personal*, *Stamf. Pl. Cor. 59.* *Ancestral* seems to be that, which we have by some right descending from our *Ancestor*; and *Personal*, which has beginning in, and from our selves. There is also *Action Ancestral Droiturel*, and *Action Ancestral Possessory*; which see in *Cokes 2 Inst. fol. 291.*

Action upon the Case (actio super casum) is a general Action given for redress of wrongs done to any Man without force, and by Law not especially provided for, and is now most in use. For, where you have any occasion of Suit, that neither has a fit name, nor certain Form already prescribed; there the Clerks of the Chancery, in ancient time, conceived a fit Form of Action for the thing in question, which the Civilians call *Actionem in Factum*, and we, *Action upon the Case*.

Action upon the Statute (actio super Statutum) is an Action brought against a Man, upon an offence against a Statute, whereby an Action is given,

given, and lay not before. As, where one commits Perjury, to the prejudice of another, he, who is endamaged, shall have a Writ upon the Statute, and his Cause. And, the difference between an *Action upon the Statute*, and *Action Popular*, is, Where the Statute gives the Suite or Action to the party grieved, or otherwise to one person certain, that is called *Action upon the Statute*. But where Authority is given by the Statute to every one that will so sue, that is termed *Action Popular*.

Action is Perpetual or Temporal (*Perpetua vel Temporalis*) and that is called *Perpetual*, whose force is by no time determined. Of which sort were all Civil Actions among the Ancient Romans, viz. Such as grew from Laws, Decrees of the Senate, or Constitutions of the Emperors; whereas Actions granted by the *Prætor*, died within the year. So we have in England, *Perpetual* and *Temporary Actions*, and I think all may be called *Perpetual*, that are not expressly limited. As divers Statutes give Actions, so they be pursued within the time by them prescribed; namely, the Statute of 1 Edw. 6. cap. 1, gives Action for three years after the offences committed, and no longer. And the Statute of 7 Hen. 8. cap. 3, doth the like for four years, and that of 31 Eliz. cap. 5. for one year, and no more. But, as by the Civil Law, no Actions were at the last so perpetual, but that by time they might be prescribed against: So in our Law, though Actions may be called *Perpetual*, in comparision of those that are expressly limited by Statute, yet is there a means to prescribe against Real Actions after five years, by a Fine levied, or a Recovery suffered; as you may see in the words, *Fine*, *Recovery*, and *Limitation of Action*.

Action of a Writ, is a term used, when one pleads some matter, by which he shews the Plaintiff had no cause to have the Writ he brought; yet it may be, he might have another Writ or Action for the same matter. Such a Plea is called, *A Plea to the Action of the Writ*. Whereas, if by the Plea it should appear, That the Plaintiff has no cause to have an Action for the thing demanded; then it is called *A Plea to the Action Cowel*.

Acts of Parliament are Positive Laws, which consist of two parts (viz.) Of the words of the *Act*, and the sense of it, and they both, joyned together, make the Law.

Acton Burnel, a Statute so called, made 13 Edw. 1. & An. 1285. Ordaining the *Statute Merchant* for Recovery of Debts; and was so termed, because made at *Acton-Burnel*, a Castle, anciently of the *Burnels*, afterward of the *Lovels* in *Shropshire*.

Actuary (*actuarius*) is the Scribe that Registers the Acts and Constitutions of the Corporation.

Addition (*additio*) signifies a Title given to a Man over and above his Christian and Surname, shewing his Estate, Degree, Mystery, Trade, Place of dwelling, &c. *Additions of*

Estate, are these, *Yeoman*, *Gentleman*, *Esquire*, and such like. *Additions of Degree* are those we call names of Dignity, as *Knight*, *Lord*, *Earl*, *Marquis*, and *Duke*. *Additions of Mystery*, are, *Scrivener*, *Painter*, *Mason*, &c. *Addition of Town*, as *Dale*, *Thorp*, and such like. And, where a Man hath household in two places, he shall be said to dwell in both of them; so that his *Addition* in either may suffice.

By the Statute of 1 Hen 5. cap. 5. It was ordained, That in Suits or Actions where Proces of Outlary lies, such *Additions* should be to the name of the Defendant, to shew his Estate, Mystery, and place where he dwells, and that the Writs, not having such *Additions*, shall abate, if the Defendant take exception thereto; but not, by the Office of the Court. And this was ordained, to the intent, that one Man might not be vexed, or troubled by the Outlary of another; but by reason of the certain *Addition*, every person may bear his own burden. See 2 Part. *Institut.* fol. 595. & 666. And the Statute 27 Eliz. cap. 7.

Addoubors. See *Redoubors*.

Adeling or *Ethling*, from the Sax. *Adelan*, i. *nobilis*) Was a Title of Honor among the *Angles*, properly appertaining to the Successor of the Crown. For King Edward being himself without issue, and intending to make *Fadgar* (to whom he was great Uncle by the Mothers side) his heir to this Kingdom, called him *Adeling*. *Hoveden parte posther*. *Annal.* fol. 347. a. Vide *Leges S. Edw. Conf. M. S. a. Will. Cong. recept. cap. ante-penult*. See more of this word in *Spelmans Glossarium*.

Adjournment (from the Fr. *adjournement*) Is when any Court is dissolved for the present, or put off, and assigned to be kept again at another day or place. *Adjournment in Eyre* (Anno 25 Edw. 3. Statute of Purveyors, cap. 18.) Is an appointment of a day, when the Justices in Eyre mean to sit again. And in 2 Edw. 3. cap. 11. *Adjournment* has the like signification. See *Prorogue*.

Adjudication (*adjudicatio*) A giving by Judgment, a Sentence, or Decree, An. 16 & 17 Car. 2. cap. 10.

Ad inquirendum, is a Writ *Judicial*, commanding enquiry to be made of any thing touching a Cause depending in the Kings Court, for the better execution of Justice, as of *Bastardy*, and such like. Whereof see great diversity in the Table of the *Register Judicial*, *Verbo*, *Ad inquirendum*.

Ad jura Regis, Is a Writ that lies for the Kings Clerk, against him that sought to eject him to the prejudice of the Kings Title in right of his Crown. Of which see *Register of Writs*, fol. 61. a.

Admeasurement (*admensuratio*) Is a Writ which lies, for bringing those to Reason, or a Mediocrity, that usurp more then their share. And this in two Cases, the one termed *Admeasurement of Dower* (*Admensuratio Dotis*) where the Widow of the deceased, holds from the

the Heir, or his Guardian, more, in the name of her Dower, than of right belongs to her. *Register of Writs, fol. 171. a.* *Fitz. Nat. Br. fol. 145.* In which case, the Heir shall be restored to the overplus. The other, *Admeasurement of Pasture*, (*Admensuratio pastura*) which lies between those, who have Common of Pasture, appendant to their Freehold, or Common by Vicinage, in case any of them Surcharge the Common with more Cattle than they ought. *Register. fol. 156. b.* *Fitz. Nat. Br. fol. 125.*

Administricle (*adminiculum*) Aid, help, support. *Anno 1 Edw. 4. cap. 1.*

Administrator (*Lat.*) Is he that hath the Goods of a Man dying intestate, committed to his charge by the Ordinary, and is accountable for the same, whosoever it shall please the Ordinary to call him thereto. An Action lies against him, and for him, as for an Executor; and he shall be charged to the value of the Goods of the Intestate, and no further; if it be not by his own false Plea, or by wasting the Goods of the dead. If the Administrator die, his Executors are not Administrators; but it behooves the Court to grant a new Administration. If a stranger, who is neither Administrator nor Executor, take the Goods of the dead, and administer of his own wrong, he shall be charged and sued as an Executor, and not as Administrator. See the Statutes of Westm. 2. cap. 19. And 31 Edw. 3. cap. 11.

Administratrix (*Lat.*) She that hath such Goods committed to her charge.

Admiral (*Admiralus, Admirallus, Admiralis, Capitaneus or Custos Maris*) signifies an High Officer, or Magistrate, that hath the Government of the Kings Navy. See the Statutes 13 & 15 Rich. 2. cap. 5. & 2—2 H. 4. cap. 11. 28 Hen. 8. cap. 15. And 27 Eliz. cap. 11. This Officer is in all Kingdoms of Europe that border on the Sea. He hath cognizance of the death, or main of a man, committed in any great Ship, riding in great Rivers, beneath the Bridges thereof, next the Sea; also to arrest Ships in the great Streams, for the service of the King or Commonwealth, and hath jurisdiction in such Streams, during the same voyages. And it appears, that anciently the Admirals of England, had jurisdiction of all causes of Merchants and Mariners, hapning not only upon the main Sea, but in all foreign parts within the Kings Dominions, and without them, and were to judge them in a Summary way, according to the Laws of Oleron, and other Sea-Laws. See Prynnes *Animadversions* on 4 Inst. pag. 75. & seq.

Admission (*admissio*) Is when the Bishop, upon examination admits a Clerk to be able, and says *Admitto te habilem.* *Coke on Littl. fol. 344. a.*

Admittendo Clerico, Is a Writ granted to him, who hath recovered his right of Presentation against the Bishop in the Common-Bench. The form whereof read in *Fitz. Nat. Br. fol. 38.* And *Register of Writs, fol. 33. a.*

Admittendo in Socium, Is a Writ for the association of certain persons to Justices of Assize formerly appointed. *Register of Writs, fol. 206. a.*

Adnichiled, (*Anno 28 Hen. 8. cap. 7.*) Annulled or made void.

Ad quod damnum, Isa Writ that lies to the Sheriff to enquire what hurt it may be for the King, to grant a Fair or Market in any Town; or place; or for the King, or any other person to grant any Lands in Fee-simple to any House of Religion, or other Body Politick. For in such case the Land so given, is said to fall into a *dead hand*; that is, such an estate and condition, that the chief Lords lose all hope of Heriots, service of Court and Escheats, upon any traitorous or felonious offence committed by the Tenant. For a Body Politick dies not, nor can perform personal service to the King, or their Mesn Lords, as single persons may do. And therefore it is reasonable, that before any such grant be made, it should be known what prejudice it is like to work to the Grantor. Of this read more in *Fitz. Nat. Br. fol. 221.* And see *Mortmain*.

Ad terminum qui p[ro]x[er]iit, Is a Writ of Entry, that lies where a Man, having Leased Lands or Tenements for term of life or years; and after the term expired, is held from them by the Tenant or other Stranger that enjoys the same, and deforceneth the Lessor. Which Writ lies for the Lessor, and his heir also. *Fitz. Nat. Br. fol. 201.*

Advent (*adventus*) Is the time from the Sunday that falls either upon S. Andrews day, or next to it, till the Feat of Christ's Nativity, (Sir Edward Coke (2 Part. Inst. fol. 263.) says Advent ends eight days after the Epiphany; but it is a mistake) wherein our Ancestors reposed much reverence and devotion, in reference to the approaching solemn Feast. For, *In Adventu Domini nulla Assisa debet capi. Int. Placita de temp. Regis Ioban. Ebor. 126.* Whereupon there was a Statute ordained, Westm. 1. cap. 48. That notwithstanding the said usual solemnity and time of rest, it shoulde be lawful (in respect of Justice and Charity; which ought at all times to be regarded) to take Assizes of Novel Disseisin, Mort d'Ancester, and Darrin presentment, in the time of Advent, Septuagesima, and Lent. This is also one of the times, from the beginning whereof, to the end of the Octaves of the Epiphany; the solemnizing of marriage is forbidden, without special Licence, according to these old Verses.

Conjugium Adventus prohibet, Hilarique relaxat:

Septuagena vetat, sed Paschæ Octava reducit.

Rogatio vetitat, concedit Trina potestas.
See *Rogation Week* and *Septuagesima*.

Adulterp (*Anno 1 Hen. 7. cap. 4.* Advoutry; *Adulterium, quasi ad alterius thorum*) Properly spoken of married persons; but if only one of the two, by whom this sin is committed;

be married, it makes *Adultery*; which was severely punished by the ancient Laws of this Land, (not to mention the *Indian Law*, among the old Romans, which made it death.) *Edmundus Rex Adulterium affici jussit infar Homicidii.* *LL. suarum, cap. 4.* *Canutus Rex hominem adulterum in exilium relegari jussit, sumnam nasum & aures præcidi.* *LL. par. 2. cap. 6. & 50.* *Qui uxoratus facit Adulterium habet Rex vel Dominus superiorum, Episcopus inferiorem,* *LL. Hen. 1. cap. 12.* *Domesday tit. Chent, Rex, Dover, — De Adulterio per totam Chent, habet Rex bonum, Archiepiscopus mulierem, excepta terra S. Trinitatis, S. Augustini, & S. Martini, de quibus Rex nihil habet.* *Et tit. Cifre Civitas — Vidua, si se non legitime commiscetur ex s. emendebat, puerilla vero ex s.* The penalty of this sin was called *Lairwite* by our Saxons. See in 2 Part. *Cokes Inglis.* the notable Case of *Margret, the Wife of John de Camois,* who, with the consent of her Husband, lived in Adultery with Sir *William Panell*, yet lost her Dower. See *Dower.* — *Rex - vic. Suth. - Præcipimus tibi quod diligenter inquire facias per legales homines de Vipn. Candeur. si Robertus Pincerna, habens suspectum Will. Wake qui cum uxore sua Adulterium committeret, prohibuit ei ingressum Domus sua, & si idem Will. post probationem illam, Domus ipsius Roberti ingressus Adulterium prædictum commisit, inde præfatus Robertus mentula cum privavit, & si Inquisitus dederit, quod ita sit, iunct eidem Roberto & suis qui cum eo erant ad hoc faciendo, terr. & catalla sua occasione illa in manum nostram satisita, in pace esse facias, donec aliud inde tibi præcipimus, & veritatem illius inquisitionis G. fil. Petri Justic. & Baronibus nostris de Scacc. Scire fac. Teste G. fil. Petri Com. Eliz. apud Wude-stoke, 3 Nov. — *Claus. 14 Joh. m. 2.**

Ad bentrem-inspiciendum, Is a Feminine Writ, mentioned in the Statute of *Essoyns,* *Anno 12 Edw. 2.* See *Venire insociendo.*

Advocatione decimarum, Is a Writ that lies for the claim of the Fourth Part or upward, of the Tythes that belong to any Church. Register of Writs, fol. 29. b.

Abdoutry. See *Adultery.*

Abovo alias abow (advocare) To justify or maintain an Act formerly done. For example, One takes a Distress for Rent, or other thing, and he that is distrainted, sues a Replevin. Now the Distraintee, justifying or maintaining the Act, is said to *Avow.* Hence comes *Advowant* and *Advowry.* *Old Nat. Br. fol. 43.* *Bration* useth the Latin word in the same signification (as *Advocatio diffeſiſia*) *Lab. 4. cap. 26.* And I finde in *Cassanæ de Conſuet.* *Burg. pag. 1210.* *Advobare* in the same signification. And *pag. 1213.* the Substantive *Desavobamentum*, for a Disavowing or refusing to *Avow.*

Abobote alias above (advocatus) Is used for him that hath right to present to a Benefice, *Anno 25 Edw. 3. Stat. 5.* Where we finde also *Advowee Paramount*, for the highest Patron, and is spoken of the King. *Advocatus est ad*

quem pertinet ius Advocationis alicuius Ecclesie, ut ad Ecclesiam, nomine proprio non alieno, possit praesentare. *Fleta, lib. 5. cap. 14.* *Fitz. Nat. Br. fol. 39.* Useth it in the same signification. See *Arowe.*

Advowee Paramount (Statute of *Provisors,* 25 Edw. 3.) Is taken for the King, or highest Patron.

Advowzen (advocatio) A right to present to a Benefice; as much as *Jus Patronatus* in the Canon Law. The reason why it is so termed, is, Because they that originally obtained the right of presenting to any Church, were upholders of, or great Benefactors to that Church, either by building or increasing it; and are therefore sometimes termed *Patroni*, sometimes *Advocati*, sometimes *Defensores,* *Cap. 4. § 23.* *De jure Patronatus in Decretal.* And *Advowzen* (being Bastard-French word) is used for the right of presenting; as appears by the Statute of *Westminster,* *Anno 13 Edw. 1. cap. 5.*

Advowzen, Is of two sorts, *Advowzen in Gross,* that is, Sole, not adhering to any Manor, as parcel of its right; and *Advowzen Appendant*, which depends upon a Mannor, as appertaining to it, termed by *Kitchin* an *Incident* that may be separated from the *Subiect.* Of this *Skene, De verbis. sign.* hath these words, *Dicitur Advocatio Ecclesia, vel quia Patronus alicuius Ecclesie ratione sui juris advocat se ad eandem Ecclesiam, & assertit se in eadem habere jus Patronatus, camque esse sui quasi clientis loco, vel potius cum aliquo (nempe Patronus) advocat alium iure suo ad Ecclesiam vacantem, cumque loco alterius (veluti defuncti) presentat, & quasi exhibet.*

Aelmesfeoh, Pecunia eleemosynaria, scilicet denaria Sancti Petri. See *Almsfeoh.*

Estate probanda, Is a Writ that the Kings Tenant, holding in chief by Chivalry, and being Ward by reason of his nonage, obtained to the Escheator of the County where he was born, or sometimes where the Land lay, to enquire whether he were of full age to take his Lands into his own hands. Register of Writs, fol. 294. *Fitz. Nat. Br. fol. 253.* Now disused.

Aery or Aery of Goshawks (Fr. aire) Is the proper word in Hawks, for that we generally call a *Nest* in other Birds. So it is used *Anno 9 Hen. 3. cap. 13.* in the Charter of the *Forest,* and in divers other places.

Aesney. See *Esney.*

Affeerers (affratores) probably from the Fr. *affier, i.* To confirm or affirm,) are those that are appointed in Court Leets upon Oath, to settle and moderate the Fines of such as have committed faults arbitrarily punishable, and have no express penalty set down by Statute. The Form of their Oath you may see in *Kitchin,* fol. 46. The reason of this appellation seems to be, because those that are appointed to this Office, do affirm upon their Oaths, what penalty they think in Conscience the Offender hath deserved. We finde this word used, *Anno 25 Edw. 3. Stat. 7.* (viz.) *The same Justices before*

before their rising in every Sessions, shall excuse the Amerciaments so be affiered. And to the same effect, Anno 26 Hen. 6. cap. 6. *Litchin*, fol. 78. joyns these three words, as *Synonima's*, *Affidati*, *Amercatores*, *Affiores*. *Bratton* hath *Affidare mulierem*, to be betrothed to a Woman. *Lib. 2. cap. 12.* But I finde in the Customary of Normandy, *cap. 20.* This word (*affeuer*) which the Latin Interpreter expresseth by (*taxare*) that is, to set the price of a thing, as *assimare*, *indicare*, &c. Which etymolog seems to be best.

Affidatus, Signifies a Tenant by Fealty, —*Igo Rogerus de Fisnid dedi, &c.* Wil. Wallen pro suo servitio unam acram & percheinam terra, &c. Pro hac donatione & concessione detenit praedictus Wil. *Affidatus meus*, &c. *Affidati non proprie vassalli sunt*, sed quasi *Vassalli*, qui in aliquo fidem & clientelam sunt recepti, recommendati dicti Laurentii Amalthea. *Affidatio accipitur pro mutua fidelitatis connexione*, tam in *Sponsaliis*, quam inter Dominum & Vassallum. *Protes de affida* & non *maritata*, non est heres. M. S. Penes Arth. Trevor Ar.

Affirm (*affirmare*) Signifies to ratifie or conrrm a former Law or Judgment. So is the Substantive *Affirmance* used Anno 8 Hen. 6. cap. 12. And so is the Verb it self by West parte secunda Symbol. tit. *Fines*, sect. 152. If the Judgment be affirmed, &c. As also by Crompton in his *Jurisid.* fol. 166. 19 Hen. 7. cap. 20.

Afforent (*afforestarte*) To turn Ground into Foreit. *Charta de Foresta*, cap. 1. Anno 9 Hen. 3. See more in *Foreft*.

Affray (of the Fr. *affres*, i. A fright) Signifies a skirmish or fighting between two or more. *Lamb.* in his *Eirenarcha*, lib. 2. cap. 3. saith, It is oftentimes contounded with *Assault*; but they differ in this, That an *Assault* is onely a wrong to the party, an *Affray* is a common wrong: And therefore both are enquireable and punishable in a Leet. An *Affray* may also be without word or blow given: As if a Man shew himself furnished with Armor or Weapons, not usually worn, it may strike a fear into others unarmed. And so it is used, An. 2 Edw. 3. cap. 3.

Affri vel Affra, Bullocks, or Plough-Beasts. *Vicecomes liberet ei omnia catalla debitorum, exceptis bobus & Affris caruca*. *Westm. 2. cap. 18.* And in Northumberland, to this day, they call a dull or slow Horse, a *false aver*, or *Afer*. *Spelm.* From whence also may come the word *Heyfer* for a young Cow.

Age (asas, Fr. *aage*) Signifies that part of Mans life, which is from his birth, to this, or his last day. But in Law it is particularly used for those especial times, which enable Men or Women to do that, which be ore for want of Age, and consequently of Judgment, they might not do. These in a Man, are two; at Fourteen years he is at the Age of Discretion, Twenty one years, is his full Age. *Littleton*, lib. 2. cap. 4. In a Woman there were six Ages observed: First, at Seven years of Age her Father might, of old, Distain the Tenants of his

Mannor, for Aid to marry her: For at those years she may consent to Matrimony. *Bratton*, lib. 2. cap. 36. numb. 3. Secondly, At nine years old, she is Dowable; for then or within ha f a year after, she is able Promereri donem & vivum sustinere. *Fleta*, lib. 5. cap. 22. *Littl. lib. 1. cap. 5.* Which *Bratton* does notwithstanding limit unto Twelve years. Thirdly, At Twelve years she is able finally, to ratifie and confirm her former consent to Matrimony. Fourthly, At Fourteen she is enabled to receive her Lands into her own hands, and should be out of Ward, if she were of this Age at her Ancestors death. Fifthly, At Sixteen years she should be out of Ward, though at the death of her Ancestor she was under Fourteen. The reason is, Because then she might take a Husband able to perform Knights service. Sixthly, At Twenty one years she is able to alienate her Lands and Tenements. Also at the Age of Fourteen, a Man is enabled to chuse his own Guardian, and to claim his Land holden in Soccage. *Dyer*, fol. 162: Which *Bratton* (lib. 2.) limits at Fifteen years, with whom *Gianville* also agrees. And at Fourteen a Man may consent to Marriage, as a Woman at Twelve. At the Age of Fifteen years, a Man ought to be sworn to keep the Peace. An. 34 Edw. 1. Stat. 3. The Age of Twenty one did compel a Man to be Knight, that had Twenty pound Land per annum in Fee, or for term of life. Anno 1 Edw. 2. Stat. 1. Which Statute is repealed 17 Car. 1. cap. 20. That Age also enables him to make Contracts, and manage his estate; which until that time, he cannot do, with security of those that deal with him. The Age of Twelve years binds to appearance before the Sheriffs and Coroner, for enquiry after Robberies. Anno 52 Hen. 3. cap. 24. The Age of Fourteen years enables to enter an Order of Religion, without consent of Parents. Anno 4 Hen. 4. cap. 17. See *Coke on Littleton*, fol. 73. b.

Age Prier (*atatem precari*, or *atatis precatio*) Is a Petition or Motion made in Court by one in his minority, (having an Action brought against him for Lands coming to him by descent) that the Action my rest till he come to full age; which the Court, in most Cases, ought to grant. This is otherwise in the Civil Law, which enforceth Children in their minority to answer by their Tutors or Curators.

Agenehine, See *Hogbenhine*.

Agent aid **Patient**, Is when one is the doer of a thing, and the party to whom it is done: As where a Woman endows herself of the fairest possession of her Husband.

Agist (from the Fr. *giste*, i. A Bed or Resting-place, or from *gister*, i. *stabulari*) Signifies to take in, and feed the Cattle of Strangers in the Kings Forest, and to gather the Money due for the same. *Charta de Foresta*, cap. 9. The Officers that do this, are cal'd *Agistors*, in English *Guest* or *Gift-takers*. *Crom. Jurisd.* fol. 146. These are made by the Kings Letters Patent, and he hath four of them in

every Forest, where he has any Pawnage. In what their Office consists, see *Manwood*, Part 1. Of Forest Laws, p. 336. Their Function is termed *Agistment*; as, *Agistment upon the Sea Banks*. Anno 6 Hen. 6. cap. 5. This word *agist* is also used for the taking in of other Mens Cattle into any Mans Ground, at a certain rate per week. See 4 Part. Instit. fol. 293.

Agreement (*Agreementum*, *Plowden*, fol. 17.) Is a joyning, or putting together of two or more Mindes in any thing done, or to be done; and this is in three manners, 1. An *Agreement* executed at the beginning. 2. An *Agreement* after an *Act* done by another, and is executed also. 3. An *Agreement* executory, or to be done. The first is such, whereof mention is made in the Statute of 25 Edw. 3. cap. 3. of Cloaths, which saith, *That the Goods bought by Fore-sellers, being thereof attainted, shall be forfeit to the King, if the Buyer thereof have made Gree with the Seller*; where the word *Gree*, which is otherwise called *Agreement Executed*, signifies Payment for the things, or Satisfaction. The second is, where one does an *Act*, and another agrees or assents thereunto afterwards. The third is, when both parties at one time are *agreed*, that such a thing shall be done in time to come; which is *Executory*, in regard the thing is to be done afterwards.

Aid (*auxilium*) Is all one in signification with the French *aide*, and differs only in pronunciation, if we take it as it is used in our vulgar Language. But, in our Laws, it hath divers particular significations, as sometimes it signifies a Subsidy. An. 14 Edw. 3. Stat. 2. cap. 1. Sometimes a Prestation due from Tenants to their Lords, as toward the Relief due to the Lord Paramount. *Glanvil*, lib. 9. cap. 8. This the King or other Lord might of old lay on their Tenants, for Knighting his eldest son at the age of fifteen years, or marrying his daughter at seven. *Register of Writs*, fol. 87. a. And that at what rate themselves listed. But the Statute of *Westm.* 1. An. 3 Edw. 1. ordained a Restraint herein upon common persons, being Lords, and tied them to a constant rate. And 25 Edw. 3. Stat. 5. cap. 11. Provides, that the rate set down by the former Statute should hold in the King, as well as in other Lords. Of which, I finde mention in the Statute of 27 Hen. 8. cap. 10. This Imposition seems to have descended to us from *Normandy*, (or rather from a more ancient Original, viz. The Feodal Laws.) For in the *Grand Custumary*, cap. 35. you have a *Tractat*, entituled, *Des aides Chevelz*. i. *De auxiliis capitalibus*; whereof the first is, *A faire Paine filz de son seigneur Chevalier*, i. To make the eldest son Knight. The second, *Son ainee fille marier*, i. To marry the eldest daughter, &c. Both these, and all charges incident thereto, are taken away and discharged by Statute, 12 Car. 2. cap. 24.

This word *Aid* is also particularly used in Matter of Pleading, for a Petition made in Court for the calling in of help from another,

that hath an interest in the Cause in question; and is likely to give strength, both to the party that prays in *Aid* of him, and also to avoid a prejudice growing toward his own right, if not prevented. But this course of proceeding is of late much disused. *Fitz-Herbert* mentions both *Prior in Ayde*, and *Prier Ayde de Patron*, &c. *Auxilium petere a patrono*, Nat. Br. fol. 52. d. And the *New Book of Entries*, *verbis ayde de parcer*, fol. 41. col. 4. The word is also found in 13 Rich. 2. cap. 17.

This *Ayd-prier* or *Aid-prayer*, is sometime also used in the Kings behalf, that there be no proceeding against him, till his Council be called, and heard what they can say, for avoiding the Kings prejudice or loss in the cause in hand. Also a City or Borough that hath a Fee-Farm of the King, may pray in *Ayd* of him, if any thing be demanded of them relating thereto. Of this you may read the Statute *De Bigamia*, An. 4 Edw. 1. cap. 1. 2 & 3. 14 Edw. 3. Stat. 1. cap. 14. & 19 Car. 2. cap. 8. *Vide Recedit*.

Aile (of the Fr. *aicul*, i. *avis*) signifies a Writ that lies, where the Grand-father, or great Grand-father called by us *Besale*, but in true French *Bisaycul*, was feised of any Land or Tenement in Fee-simple the day he died, and a Stranger abateth or enters the same day, and dispossesseth the Heir, *Fitz. Nat. Br. fol. 222. See Plowden*, fol. 449. b.

Airie of Hawks. See *Aerie*.

Alba firma, *Census annalis qui Centenario five Domino Hundredi penditur*. Ideo alba dicta, quod non ex more prisci scaculi in annuonā qua tunc Black mail nuncupata fuit (hoc est census vel firma nigra) sed argento, quasi census albo redatur. *Spelman*. *Duplex est tenura in Com. Westmerland. scil. una per Albam firmam & alia per Cornagium*, &c. 2 Part. Inst. fol. 10.

Alderman (Sax. *Ealdorman*, i. *Senior*) Was among the *Saxons*, as much as *Earl* among the *Danes*, *Camb. Brit. fol. 107*. Also an *Elder*, Senator, or Statesman. At this day we call them *Aldermen*, who are associates to the Civil Magistrate of a City or Town Corporate, 24 H. 8. cap. 13. See *Spelmans Glossarium* at large on this word, where you shall finde that we had here anciently a title of *Aldermannus totius Angliae*. *Hic requiescit D. Ailwinus incliti Regis Eadgari cognatus, totius Anglie Aldermannus, & bujus sacri Cenobii (i. Ramefien.) miraculosus Fundator*.

Aleipiman (*aleipannus*) — *Omnis Aleipiman de tota Soca de Hecham, debet singulis annis unum Denarium de Chevagio; & operabitur per tres Dies in antumpno, exceptis illis qui ab hac servitate liberi sunt. Confuetudinar de Hecham Prior. Lew. M. S. pag. 21. Videtur Aleipimannos istos mancipia fuisse; Chevagii enim solutio servitutis judicium est. Spelman*.

Aler sans jour (Fr.) Is *verbatim*, to go without day; the meaning whereof is to be finally dismissed the Court, because there is no day of farther appearance assigned. *Kitchin*, fol. 104

Ale-silber, A Rent or Tribute yearly paid to the Lord Major of London, by those that sell Ale within the City. *Antiq. of Purveyance*, fol. 183.

Aletaster, Is an Officer appointed in every Court Leet, and sworn to look to the Aifice, and goodness of Bread and Ale, or Beer, within the Precincts of that Lordship. *Kitchin*, fol. 46. where you may see the Form of his Oath.

Alias, vide *Capias alias*.

Alien (*alienare*) signifies to transfer the property of any thing to another person. To *Alien in Mortmain*, is to make over Lands or Tenements to a Religious House, or other Body Politick. See *Mortmain*. To *alien in Fee*, is to sell the Fee-simple of any Land or Tenements, or of any Incorporeal right. *W. & M.* 2. cap. 25. Anno 13 Edw. 1.

Alien (*alienus*) One born in a strange Countrey. It is usually taken for the contrary to *Denizen*, or a natural subject, that is, a stranger never here enfranchised. *Brook, Denizen*, 4 Sc. Yet a man born out of the Land, so it be within the limits of the Kings obedience beyond the Seas, or of English Parents out of the Kings obedience, so the Parents, at the time of the Birth be of such obedience, is no *Alien* in account, but a Subject to the King. *Stat. 2. 25 Edw. 3.* commonly called the Statute *De natis ultra mare*. Also, if one born out of the Kings allegiance, come and dwell in England, his Children, begotten here, are not *Aliens*, but *Denizens*. See *Denizen*.

Alitomong (*alimonia*) Nourishment, maintenance. But in a modern legal sense, it signifies, that portion or allowance, which a married Woman sues for, upon any occasional separation from her Husband; wherein she is not charged with *Elopement* or *Adultery*. This *Alimony* was anciently expressed by *rationabile estoerium*, for reasonable maintenance. *Rex Vic. Bucks salutem. Præcipimus tibi quod de Maritagio Emma de Pinckney uxoris Laurentii Penre, qui excommunicatus est, eo quid prædictam Emmam affectione maritali non tractat, eidem Emma rationabile estoerium suum invenias donec idem Laurentius vir suus eam tanquam uxorem suam tractaverit, ne iteratus clamor ad nos inde perveniat*. T. 29 Aug. Anno Regni nostri 7. Rot. Clauſ. 7. Hen. p. 1. m. 3.

Allay (Fr.) Is used for the temper or mixture of other Metals with Silver or Gold. *Anno 9 Hen. 5. Stat. 2. cap. 4.* and *Stat. 1. cap. 11.* The reason of which *Allay* is, with a baser metal, to augment the weight of the Silver or Gold, so much as may countervail the Prince's charge in the Coyning, and to make it the more fusile. *Anto. Faber. de Nummariorum debitorum solutionibus*, cap. 1. *Anno 4 Hen. 7. cap. 2.*

Allocation (*allocatio*) A placing or adding unto; also allowance made upon an account: used in the Exchequer.

Allocatione facienda, Is a Writ directed to the Lord Treasurer and Barons of the Ex-

chequer, upon a Complaint of some Accomptant, commanding them to allow him such sums, as he hath by vertue of his Office lawfully and reasonably expended. *Register of Writs*, fol. 256. b.

Allodium. See *Fee*.

Alluminoz (from the Fr. *allumer*, to lighten or kindle) is used for one, who by his trade coloureth or paints upon Paper or Parchment. And the reaſon is, because he gives light and ornament by his colours to the Letters, or other Figures coloured. The word is used *An. 1 Rich. 3. cap. 9.* Now we call him a *Luminer*.

Almner or **Aumoner** (*Eleemosynarius*) Is an Officer of a King or Princes house, whose Function is carefully to collect the fragments of Meat and Virtualls, and distribute them every day to the poor; charitably to visit the sick and leprosous, prisoners, poor widows, needy persons, and those that have no constant abode; likewise to receive, and faithfully distibute cast Horses, Robes, Money, and other things given in Alms; he ought also to excite the King with often admonitions, especially on Festival days, to be bountiful in giving Alms, and to beseech, that his rich robes may not be given to Parasites, Maskers, Stage-players, or the like, but may go towards the increace of his Alms. *Fleta, lib. 2. cap. 22.*

Almsfeoh or **Aelmesfeoh** (Sax.) i. Alms-money; that is, Peterence anciently paid in England, on the first of August, and given by King *Ina*; called also *Romefeah*, *Romescot*, and *Hortibpening*. *Seldens History of Tythes*, pag. 217.

Almōm. See *Aumone*.

Alnage (Fr. *Aulnage*) Ell-measure, the measuring with an Ell. *Anno 17 Edw. 4. cap. 5. See Alnager*.

Alnager or **Alneger** (Fr. *Aulner*, i. A Measurer by the Ell) signifies a sworn publick Officer, who by himself or deputy looks to the Aifice of Woollen Cloth made through the Land, and to the Seals for that purpose ordained. *Anno 25 Edw. 3. Stat. 4. cap. 1.* And *3 Rich. 2. cap. 2.* who is accountable to the King for every Cloth so sealed in a Fee or Custom therunto belonging. *17 Rich. 2. cap. 2.* Read of this more, *27 Edw. 3. cap. 4.* — *1 Hen. 4. cap. 13.* — *7 Eiusdem. cap. 10.* — *11 Eiusdem. cap. 6.* — *13 Eiusdem. cap. 4.* — *11 Hen. 6. cap. 9.* — *31 Eiusdem. cap. 5.* — *4 Edw. 4. cap. 1.* — *8 Eiusdem. cap. 1.* and *1 Rich. 3. cap. 8.* There are now a Ternary of Officers relating to the regulation of Cloathing; all which, were anciently comprised in the unity of one person. These bear the distinct names of *Searcher*, *Measurer*, and *Alneger*, which last, though it be a Tautological expression (*Aulnage* and *Measure*, being the same thing denoted in two Languages) yet long usage and custom have brought them to distinct Offices, and that which anciently was called *Alnage*, from whence the *Alnager* takes the name, who was no more but *Measurer* in signification, is now become Collector of the Subsidy granted to the King, by

by the before recited Statutes, still holding the name *Alnager*, because the collection of that Subsidy was by Edward the Third, committed to the charge of the *Alnager*, and he nevertheless not abridged of his measuring and searching, till by his own wilful neglect they became separated, and that by distinct Laws. Insomuch, as there is now a peculiar Measurer, who ought to allow the Assize of length and breadth to every particular Cloth, made in England and Wales: And, because the Subjects of this Land should not be abused, an office of Searching is established by Act of Parliament, whose Officer ought by his Seals, judiciously and diligently affixed, to denote the defaults and casual abuses which each particular Cloth contains. All these Offices were anciently under the cognizance of the *Alnager*; as you may read at large in a Treatise, entituled, *The Golden Fleece*, Printed Anno 1656. See 4 Instit. fol. 31.

Alodium, in *Doomsday*, signifies a free Manor; and *Alodarii*, Lords of the same. Coke on *Littl.* fol. 5.

Altarage (*altararium*) Comprehends not only the offerings made upon the *Altar*, but also all the profit which accrues to the Priest by reason of the *Altar*, *Obuentio Altaris*.

Northampton, ff. *Inter ordines five decretorum de Termino Sancti Mich Anno 21 E-*
liz. in Scaccario remanentes, & in
custodia Rememoratoris Regis inter alia
continetur sic.

Jovis, 12 Die Nov.

Upon the Hearing of the Matter betwixt Ralph Turner, Vicar of West-Haddon, and Edward Andrews, it is ordered, That the said Vicar shall have, by reason of the words (*Altararium cum manfo competenti*) contained in the Composition of the Profits assigned for the Vicars maintenance, all such things as be ought to have by these words, according to the Definition thereof made by the Reverend Father in God, John Bishop of London, upon Conference with the Civilians, viz. David Hewes, Judge of the Admiralty, Bartholomew Clark, Dean of the Arches, John Gibson, Henry Jones, Laurence Hewes, and Edward Stanhope, all Doctors of the Civil Law, that is to say, By *Altararium*, *Tithes of Wool, Lamb, Colt, Calf, Pigs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs*, and such other small *Tithes*, with Offerings, that shall be due within the Parish of West-Haddon.

And the like case was for Norton in Northamptonshire, heard in the said Court within these two or three years, upon the Hearing Ordered in the like manner.

Oblationes five nummorum, five panum, tali vel tali Altari, vel ex devotione vel ex con-

suetudine, aut a Parochianis, aut ab extraneis factae, Altarum nomine censebantur. Glost. in Mat. Paris.

Alto & basso, or in Alto & in basso. Petat universis per presentes quod Willielmus Tylar de Yetton, & Thomas Gower de Aylemestre posuerunt se in alto & in basso in arbitrio quatuor hominum, viz.—de quadam querela pendente inter eos in Curia de Wyggemore ad scelam prædicti Willielmi versus præfatum Thomam, Et prædicti quatuor homines judicaverunt & ordinaverunt quod —Dat. apud Aylemestre die Mercurii prox. post Festum Conceptionis B. Mariae, Anno 2 Hen. 5. —Ipse Prior venit & Bogo similiter & ponunt se in gratiam, misericordiam & voluntatem Regis de alto & basso, ad quod mandantur Turri London, &c. Plac. coram Rege, Hil. 18 Edw. I. By this is meant, the absolute submission of all differences, small and great, high and low.

Aimabry. See *Chevage*.

Ambidexter (Lat.) He that useth his left hand as well as his right; that plays on both sides: But in the legal acceptation, it signifies, That Juror or Embraceor who takes Money on both sides for giving his verdict; for which he forfeits ten times so much as he takes, 38 Edw. 3. cap. 12. *Crompt. Just. of P.* fol. 156. b.

Ame (Kings Proclamation, 1663.) See *Aume*.

Amenable (from the Fr. *amener*, i. To bring or lead unto) Others write it *amainable*, from the Fr. *main*, a hand) tractable; that may be led by the hand or governed; that may be brought or fetched in. It is applied in our Law Books to a Woman that is supposed governable by her Husband.

Amendment (*amendatio*) signifies the correction of an Error committed in a Process, and espied before or after Judgment; and sometimes after the party seeking advantage by the Error. *Brook, titulo, Error and Amendment.*

Amerciantment (from the Fr. *Merci*, i. *misericordia*), signifies the pecuniary punishment of an offender against the King, or other Lord in his Court, that is found to be in *misericordia*, i. to have offended, and to stand to the mercy of the Lord. There seems to be a difference between *Amerciantments* and *Fines*: These, as they are taken for punishments, are punishments certain, which grow expressly from some Statute; but *Amerciantments* are arbitrarily imposed by *Afforers*. See *Kitchin*, fol. 78. and 214. *Manwood* (in his first part of *Forest Laws*, pag. 166.) makes another difference, as if an *Amerciantment* were a more easie or merciful penalty, and a *Fine* more sharp and grievous. Take his words, If the Pledges for such a *Trespass* appear by common Summons, and not the Defendant himself, then the Pledges shall be imprisoned for the Defendants default: But otherwise it is, if the Defendant himself appear, and be ready in Court before the Lord Justice in Eyre,

to receive his Judgment, and to pay his Fine. But if such Pledges make default, they shall be Amerced, but not Fined. The Author of the New Terms of Law saith, That Amercement is most properly a Penalty inflicted by the Peers or Equals of the Party Amerced for an offence done; for which, he puts himself upon the mercy of the Lord: Who also mentions an Amerciament Royal, and defines it to be a pecuniary punishment laid upon a Sheriff, Coroner, or such like Officer of the King, by Justices for some offence. Ratcliff, Baron of the Exchequer, 2 Hen. 7. fol. 7. See Misericordia.

Amortization (*amortizatio*, Fr. *amortissement*) Est prædiorum translatio in manum mortuam, quod tamen sine venia Principis non fiat. *Fus amortizationis est privilegium seu licentia capiendi in manum mortuam.* In the Statute *De libertatibus feruendis*, Anno 27 Edw 1. the word *Amortisement* is used. See Mortmain.

Amortize (from the Fr. *amortir*) Is to Alien Lands or Tenements to any Corporation, Guild or Fraternity, and their Successors; which cannot be done without Licence of the King, and the Lord of the Mannor. Anno 15 Rich. 2. cap. 5. See Mortmain, and the Statute of Amortizing Lands made tempore Edw. 1.

Amobeas manum. See Ouster le Main.

An, jour & waste (*Annus, Dies, & Vastus*) Look Year, Day, and Waste.

Ancorage (*ancoragium*) A duty taken of Ships for the Povl of the Haven, where they cast Anchor. M. S. Arth. Trevor Ar. For no man can let any Anchor fall on the Kings Ground in any Port, without paying therefore to the Kings Officers appointed by Patent.

Ancestors (*antecessor*) Is well known; but we make this difference betwixt that and *Predecessor*; the first is applied to a natural person, as I. S. & Antecessores sui; the other to a Body Politick or Corporate, Episcopus Winton. & Predecessores sui. Coke on Littl. Lib. 2. cap. 4. Sect. 103.

Ancestrel, As Homage *Ancestrel*, i. Homage that hath been done or performed by ones Ancestrel. See Homage.

Ancient, (Fr. *ancien*) In Greys-Inn the Society consists of Benchers, Ancients, Barristers, and Students, under the Bar; where the Ancients are of the more Ancient Barristers. In the Inns of Chancery there are onely Ancients, and Students, or Clerks, and among the Ancients, one is yearly the Principal, or Treasurer. In the Middle-Temple, Ancients are such as are past their Readings, and never read.

Ancient demean or demain, (*vetus Patrimonium Domini*) Is a certain Tenure, whereby all the Mannors belonging to the Crown in the days of Saint Edward, or William the Conqueror, were held. The number and names of which Mannors, as of all other belonging to common persons, after a Survey made of them, he caused to be written in a Book, now re-

maining in the Exchequer, and called *Doomsday*. And those which by that Book appear to have at that time belonged to the Crown, and are contained under the Title *Terra Regis*, are called *Ancient Demein*. Kitchen. fol. 93. Of these Tenants there were two sorts; one that held their Land frankly by Charter, the other by Copy of Court-Roll, or by Verge at the Will of the Lord, according to the Custom of the Mannor. Britton. cap. 66. numb. 8. The benefit of this Tenure consists in these Points. 1. The Tenants holding by Charter, cannot be impleaded out of their Mannor, or, if they be, they may abate the Writ; by Pleading their Tenure, before or after answer made. 2. They are free of Toll, for all things, concerning their Substance and Husbandry. 3. They may not be empannelled upon any Enquest. See more in Fitz. Nat. Br. fol. 14. d. & fol. 228, &c. By whom it appears, these Tenants held originally by Ploughing the Kings Land, plashing his Hedges, or such like, towards the maintenance of his Household; in which regard, they had such Liberties given them, wherein, to avoid disturbance, they may have Writs to such as take the Duties of Toll; as likewise for Immunity of Portage, Passage, or such like. No Lands ought to be accounted *Ancient Demein*, but such as are held in *Socage*. See Monstraverunt and *Demain*.

Ancienty, (Fr. *anciennete*, i. *ancientnes*) In the Statute of Ireland, 14 Hen. 3. is used for Eldership or Seniority. As, *The Eldest Sister can demand no more than her other Sisters, but the chief Mease by reason of her Ancienty.*

Andena, A swath in Mowing. See Dole.

Annats (*annates*) Are all one with First-fruits. Anno 25 Hen. 8. cap. 20. The reason is, because the rate of First-fruits paid of Spiritual Livings, is after one years profit. *Annates more sive appellant primos fructus unius anni sacerdotii vacantis, aut dimidiam eorum partem*, says Polydor Virgil de Invent. revum lib. 8. cap. 2. Note, *Annates, Frimitia, and First-fruits*, are all one. Cokes 12. Rep. fol. 45. See First-fruits.

Anniented (from the Fr. *aneantir*, i. To make void) signifies as much as frustrated or brought to nothing. Littleton, lib. 3. cap. Waranty.

Anniversary days (*dies anniversarii*) Were of old those days, wherein the Martyrdoms or Deaths of Saints were celebrated yearly in the Church; or the days whereon, at every years end, Men were wont to pray for the Souls of their deceased Friends, according to the continued custom of Roman Catholicks; mentioned in the Statute 1 Edw. 6. cap. 14. and 12 Car. 2. cap. 13. This was in use among our ancient Saxon, as you may see in Lib. Rames. Sect. 134.

Annuia pensione, Is a Writ (now disused) whereby the King having an Annual Pension due to Him from an Abbot or Prior, for any of His Chaplains, (whom He shold think good to nominate, being as yet unprovided of sufficient

cient living) demands the same of the said Abbot or Prior ; and also wills him for His Chaplains better assurance , to give him His Letters Patent for the same. *Register of Writs*, fol. 265, 307. And *Fitz. Nat. Br.* fol. 231. Where you may see the names of all the Abbeys and Priorities bound to this , in respect of their Foundation or Creation.

Anno Domini, Is the computation of time from the Incarnation of our *Lord JESUS*, and is used in publick writings ; sometimes with , and sometimes without the year of the Kings reign. As the Romans made their computation from the Building of the City Rome , and the Grecians by *Olympiads*: So Christians in remembrance of the happy Incarnation of our *Saviour* , reckon their time from thence. *The day of the Moneth, the Year of our Lord and Saviour Christ, and the Year of the Kings reign, are the usual Dates of Deeds.* *Cokes 2 Inst. fol. 675.*

Annuity (*annuu redditus*) Signifies a Yearly Rent to be paid for term of Life , or Years , or in Fee ; and is also used for the Writ that lies against a Man for recovery of such a Rent. *Register of Writs*, fol. 158. *Fitz. Nat. Br.* fol. 152. *Annuity* is otherwise defined to be a certain sum of Money granted to another in Fee-simple, Fee-tail, for Life or Years , to receive of the Grantor or his Heirs , so that no Free-hold be charged therewith ; whereof a man shall never have Assize , or other Attion, but a Writ of *Annuity*. *Doctor and Student, Dial. 1. cap. 3.* Shews several differences between a Rent , and an *Annuity* , whereof the first is , That every Rent, be it Rent-charge, Rent-service , or Rent-feeke , is issuing out of Land ; but an *Annuity* chargeth the person only , that is to say, The Grantor or his Heirs that have Assets by descent. The second is , That for the recovery of an *Annuity* , no Action lies , but only the Writ of *Annuity* against the Grantor , his Heirs , or Successors ; but of a Rent , the same Actions lie as do of Land , as the Case requires. The third difference is , That an *Annuity* is never taken for Assets , because it is no Free-hold in Law , nor shall it be put in Execution upon a Statute Merchant , Statute Staple or *Elegit* , as a Rent may . *Dyer, fol. 345. numb. 2. Coke on Littl. fol. 144. b.*

Anoifance alias Nusance (Fr. *Nuisance* , i. Hurt or Offence) Hath a double signification , being used as well for any hurt done , either to a publick place , as High-way, Bridge , or Common River ; or to a private , by laying any thing that may breed infection , by inroaching , or such like means : As also , for the Writ that is brought upon this transgression ; whereof see more in *Nusance*. The word *Anoifance* I finde *Anno 22 Hen. 8. cap. 5.*

Ansel twight. See *Ansel*.

Apostata capiendo, Is a Writ (now out of use) that lay against one , who having entered and professed some Order of Religion , brake out again and wandered the Countrey , con-

trary to the Rules of his Order. The form whereof , with other circumstances , you shall finde in the *Register of Writs*, fol. 71. & 267. And *Fitz. Nat. Br.* fol. 233.

Apparator (*Anno 21 Hen. 8. cap. 5.*) A Messenger that cites offenders to appear in the Spiritual Court , and serves the Procesis there-ot.

Apparlement (of the Fr. *parcellment* , i. likewise , or in like manner) Signifies a resemblance , or likelihood ; as *Apparlement of War* , mentioned in our Statutes.

Appeal (Fr. *Appel*) Is as much as *accusatio* with the Civilians. For , as in the Civil Law , Cognizance of Criminal Causes , is taken either upon inquisition , denunciation , or accusation ; so in ours , upon *Indictment* or *Appeal* : *Indictment* comprehending both *Inquisition* and *Denunciation* ; and *Accusation* or *Appeal* , is a lawful Declaration of another Mans crime (which by *Bratton* must be Felony at least) before a competent Judge , by one that sets his name to the Declaration , and undertakes to prove it , upon the penalty that may ensue of the contrary. For the whole course of an *Appeal* , I must refer you to *Bratton* , lib. 3. tract. 2. cap. 18. *Smith de Republ. Angl.* lib. 3. cap. 3. *Britton* , cap. 22, 25. And to *Stampf. Pl. Coron.* lib. 2. cap. 6, 7, &c. An *Appeal* is commenced two ways , either by *Writ* or by *Bill* ; *Appeal by Writ* is , when a Writ is purchased out of the Chancery , by one to another ; to this end , that he Appeal a third of some Felony committed by him , finding Pledges that he shall do it , and deliver this Writ to the Sheriff to be recorded. *Appeal by Bill* is , when a Man of himself gives up his Accusation in Writing to the Sheriff or Coroner , offering to undergo the burden of *Appealing* the person therein named.

This point of our Law , among others is drawn from the Normans , which appears plainly by the *Grand Customary* , cap. 68. Where there is set down a solemn discourse , both of the effects of this *Appeal* , viz. The Order of the Combat , and of the Tryal by Inquest ; which by our Law , is in the choice of the Defendant. See *New Book of Entries* , verbo *Appeal. Book of Assizes* , fol. 78. And 3 Part. *Inst. fol. 131.*

Appeal of Mabem , Is an accusing of one that hath maimed another. But that being no Felony , the Appeal thereof is but in a manner an Action of *Trespass* ; because there is nothing recorded but damages. *Bratton* calls this *Appellum de Plagis & Mabemio* , and writes a whole Chapter of it , *Lib. 3. Tract. 2. cap. 24.* See *Coke, Vol. 4. fol. 43. a.* In King Johns time , there is recorded an *Appeal* against a few , *Qui fecit ementulari quendam nepotem suum*.

Appeal of wrong Imprisonment , Is used by *Bratton* for an Action of wrong Imprisonment , *Lib. 3. Tract. 2. cap. 25.*

Appeal (from *Appello* , to call , because *Appellans vocat reum in judicium* , *Coke on Littl. lib. 2. cap. 11.*) Is divers times used in our Common

Common Law, as in the Civil; which is for a removing of a Cause from an Inferior Judge to a Superior; *As Appeal to Rome, Anno 24 Hen.8. cap.12.* and *1 Eliz. cap.1.* So S. Paul appealed from *Festus* to *Cesar*. But more commonly for the private accusation of a Murderer, by a Person who had interest in the party murdered, or of any Felon by one of his Complices in the Fact. See *Approver*, and see *Coke on Littl. fol. 287. b.*

Appelloz or **Appealoz**, Is he, who hath committed some Felony which he confesses, and now *Appeals*, that is, Accuses others who were complices with him. And those that are so appealed are called *Appealees*. *Anno 28 Edw.1. See Approver.*

Appendant (appendens) Is an Inheritance belonging to another that is more worthy; as *Accessorium principali* with the *Civilians*, or, *Adjunctum subiecti* with the *Logicians*. An Hospital may be *Appendant* to a Mannor, *Fitz-Nat. Br. fol. 142.* Common of Fishing appendant to a Freehold, *Westm.2. c.25.* *Anno 13 Edw.1.* *Appendants* are ever by Prescription. See *Coke on Littl. fol. 121. b.*

Appennage or Appennage (Fr.) The portion of the Kings younger Children in France, a Childe's part. They have in France a Fundamental Law, which they call the *Law of Appennages*, whereby the Kings younger Sons have Dutches, Counties, or Baronies, granted unto them, and their Heirs, or Heirs-males of their Bodies, the Reversion reserved to the Crown, and all Matters of Regality, as Coynage, Levying Taxes, and the like. It is derived *Ab appendendo*, or from the German word *Abanage*, which signifies a Portion. See *Gerard du Heytan, & Spel. Glossar. in voce Appennagium.*

Appertinances (pertinentia) Are things both *Corporal*, belonging to another thing, as to the more principal; as Hamlets to a chief Mannor, Common of Pasture, Turbary, Piscary, and such like; and *Incorporeal*, as Liberties, and Services of Tenants, *Brit. cap. 39.* Where it may be observed, That he accounts Common of Pasture, Turbary, and Piscary, to be things *Corporal*. See *Common*.

Appoitionment (apportionamentum) Is a dividing of a Rent into parts, according as the Land (whence the whole Rent issues) is divided among two or more. As if a Man have a Rent-service issuing out of Land, and he purchaseth part of the Land, the Rent shall be apportioned, according to the value of the Land. So if a Man let Lands for years, reserving Rent, and after a stranger recovers part of the Land, the Rent shall be apportioned. But a Rent-charge cannot be apportioned, nor things that are entire; As if one hold Land by service, to pay to his Lord yearly at such a Feast, a Horse, or Rose; there, if the Lord purchase part of the Land, this service is totally extinct; because such things cannot be divided without hurt to the whole. Yet in some Cases a Rent-charge shall be apportioned,

as if a Man hath a Rent-charge issuing out of Land, and his Father purchaseth part of the Land charged in Fee, and dies, and this parcel descends to his Son, who hath the Rent-charge; there this Charge shall be apportioned, according to the value of the Land; because such portion of the Land, purchased by the Father, comes not to the Son by his own Act, but by descent and course of Law. Common Appendant is of common right, and severable; and though the Commoner, in such case, purchase parcel of the Land, wherein the Common is Appendant, yet the Common shall be apportioned. But in this case, Common Appurtenant, and not Appendant, by such Purchase is extinct. *Coke, lib.8. fol. 79.*

Apposer. See Forein Apposer.

Apprendre, (Fr.) As Fee or Profit *Apprendre (Anno 2 & 3 Edw.6. cap.8.)* Fee or Profit to be taken or received.

Apprentice, (Fr. appreneti, and that from apprendre, to learn, whence their apprenticesage, and our apprenticeship) Is one that is bound by Covenant to serve a Tradesman or Artificer, a certain time (for the most part seven years) upon condition, That the Master shall, during that time, instruct him in his Art or Mystery. Sir Ibo. Smith (in his *Rep. Angl. lib.2. cap.8.*) says, They are a kinde of Bondmen, differing onely, in that they are servants by Covenant, and for a time. Anciently Barristers were called *Apprentices of the Law*. As appears by Mr. Seldens Notes upon *Fortescu*, p.3. So the Learned Plowden styled himself. Sir Henry Finch in his *Nomotecnia* writes himself *Apprentice dei Ley*; and Sir Edward Coke in his 2 Part. *Instit. fol. 564.* says *Apprenticis Legis*, in pleading, are called *Homines consiliiarii, & in Legi periti*. And in another place, — *Apprentices, and other Counsellors of Law*.

Appropriation (appropriatio, from the Fr. appropriare, i. aptare, accommodare) Signifies the severing of a Benefice Ecclesiastical (which originally, and in nature is, *Juris Divini, & in Patrimonio nullius*) to the proper and perpetual use of some Religious House, Bishoprick, College, &c. So called, because Parsons, not being ordinarily accounted (*Domiini*) but *usufructuarii*, having no right of Fee-simple, are by reason of their perpetuity, accounted owners of the Fee-simple, and therefore called *Proprietarii*. Before the time of Richard the Second, it was lawful (as it seems) to appropriate the whole Fruits of a Benefice to an Abbey or Priory, they finding one to serve the Cure. But that King ordained, That in every Licence of Appropriation made in *Chancery*, it should expressly be contained, That the Diocesan of the place should provide a convenient sum of money to be yearly paid out of the Fruits, towards the sustenance of the poor in that Parish, and that the Vicar shoud be well and sufficiently endowed, *Anno 15 Rich. 2. cap. 6.* To make an *Appropriation* (after Licence obtained of the King in *Chancery*) the consent of the Diocesan, Patron, and Incumbent

bent are necessary, if the Church be full; if it be void, the Diocesan, and the Patron, upon the Kings Licence, may conclude it. *Flowden in Grandsons Case, fol. 496.* To dissolve an *Appropriation*, it is enough to present a Clerk to the Bishop, and he to institute, and induct him: For that once done, the Benefice returns to the former nature, *Fitz. Nat. Br. 35.* and *Coke, lib. 7. fol. 13.*

Approbement (*Anno 43 Eliz. cap. 11.*) Is the same with *improvement*; but it is more particularly used for the enclosing part of a Common by the Lord of the Mannor, leaving sufficient nevertheless for the Commoners.

Approber (*approbator*) Is one, that confessing Felony committed by himself, appeals or accuses others to be guilty of the same; and is so called, because he must prove that which he hath alleged in his Appeal. This Proof is by Battle, or by the Country, at his election that appealed. The Form of this Accusation you may in part gather by *Cromptons Justice of Peace, fol. 250. & 251.* That it is done before the Coroner, either assigned to the Felon by the Court, to take and record what he saith, or else called by the Felon himself, and required for the good of the Commonwealth to do so. The *Approvers Oath*, when he begins the Combat, you may see in the last Page of *Crompton*, as also the Proclamation by the Herald. Of the Antiquity of this Law, read at large *Bradton, lib. 3. Tratt. 2. cap. 21. & 34. Stamp. Fl. Cor. lib. 2. cap. 52. cum seq.* And 3 Part. Instit. fol. 129. See *Prover.*

Approvers of the King (*Approbatores Regis*) Are those that have the letting of the Kings Demeans in small Mannors, to his best advantage. *Anno 51 Hen. 3. Stat. 5.* And in the Statute of 1 Edw. 3. cap. 8. the Sheriffs call themselves the *Kings Approvers*.

Approve (*approbare*) To augment or (as it were) to examine to the utmost. For example, *To approve Land*, is to make the best benefit of it by increasing the Rent, &c. *Anno 9 Hen. 6. cap. 10.* Bailiffs of Lords in their Franchises, are called their *Approvers*; and by what follows, you may see what kinds of *Approvers* or *Improvors* were formerly in the Marches of Wales, authorized by the Prince thereof. *Richard de Lynguin Emprever desfuth Commission nostre tre doux Seigneur le Prince dins le Counte de Hereford, & le Marches adjougnant, a toutz y ceux qui cestis Letters verront ou orront, salutz. Sachez moy aver grant a uno Janin de Brompton loyal & leige home nostre Seigneur le Roy, & ases servants, de vendre & acheter bests & berbez dins le Counte de Hereford, & le Marche adjougnant sans empêchement ou arrest de nulluy, come loyal & leige hommes, a son propre use & encrese, sans refreshement des Rebels de Gales. Et cest ma Lettre servra son Garant. En tenuage de quel chose a y ceste jay mis mon Seal. Don a Lembrete le xi jour de Julet le ann de Regne le Roy Henric. le quart apres le Conquest, quarte.* —See 2 Part. Instit. fol. 474. —*Quod nullus libere tenens infra Ba-*

roniam illam se appuira posset de capo suo, &c.

Aquage (*aquagium, q. aquæ agium, i. aquæ dubius & aquagangium*) —Non licet alicui de cetero facere dammas vel fordas aut alia impedimenta in aliquibus landis watergangis, fosfatū sive aquagii communibus in marisco prædiō. Ordinatio Marisci de Romenei facta tempore Hen. 3. & Edw. 1. pag. 72. See Water-gage.

Arbitratoz (*Lat.*) Is an extraordinary Judge or Commissioner in one or more Causes, between party and party, chosen by their mutual consents. This *Arbitrement* is either general, that is, including all Actions, Quarels, and Demands, or Special, which is of one or more Matters, Facts, or Things specified. The *Civilians* make a difference between *Arbiter* and *Arbitrator*: For though they both ground their power upon the compromise of the parties, yet their liberty is divers. For *Arbiter* is tied to proceed and judge according to Law, with Equity intermingled; *Arbitrator* is permitted wholly to his own discretion, without solemnity of Process or Course of Judgment, to hear or determine the Controversie committed to him; so it be *Juxta Arbitrium bons viri*. See *Alto & Basso.*

Arbitrement. See *Arbitrator.*

Arches Court (*Curia de Arcubus*) Is the chief and ancientest Consistory that belongs to the Archbishop of Canterbury, for debating Spiritual Causes; and is so called from *Bow-Church* in *London*, (dedicated to the *Blessed Virgin*) where it was kept. And the Church is so called of the fashion of the Steeple or Clochier thereof, whose top is raised of Stone-pillars, built *Arch-wise*, like so many *Bent-Bows*.

The Judge of this Court is termed *The Dean of the Arches*, or *The Official of the Arches Court*. *Dean of the Arches*, because with this Officialty is commonly joyned a peculiar Jurisdiction of Thirteen Parishes in *London*, termed a *Deanry*, being exempted from the Authority of the Bishop of *London*, and belonging to the Archbishop of *Canterbury*, of which, the Parish of *Bow* is one, and the chief, because the Court was there kept.

The Jurisdiction of this Judge is ordinary, and extends it self through the whole Province of *Canterbury*. So that upon any Appeal made, he forthwith, and without any further examination of the Cause, sends out his Citation to the *Appealee*, and his Inhibition to the Judge, from whom the Appeal was made. Of this read more in *Historia de Antiq. Eccles. Britan.* And 4 Part. Instit. fol. 337.

Archive (*archivum, from arca*, a Press or Chest.) The Rolls, or a place wherein Ancient Records, Charters, and Evidences (that belong to the Crown and Kingdom) are kept; also the *Chancery* or *Exchequer Office*.

Armes (*arma*) In the understanding of Law, are extended to any thing that a Man wears for his defence, or takes into his hands, or useth in his wrath to cast at, or strike another.

Cromp

Crompt. Just. of Peace, fol. 85. a. So *Armorum appellatio, non utique scuta & gladios, & galeas significat, sed & fustes & lapides.*

Armes are also, what we call in Latin *Insignia, Ensigns of Honor.*

Argentum Det. Gods-penny, i. Earnest Money, or Money given in earnest: In Lincolnshire called *Eries.*

Arpen or Arpent (Fr.) An Acre or Fur-long or Ground, the most ordinary one, called *L'Arpent de France*, is One hundred Perches square, after Eighteen Foot to the Perch. This word is often found in *Doomsday, Quatuor Arpenni vinea noriter plantatae. Tit. Middlesex.*

Array (an old Fr. word) signifies the ranking or letting forth a Jury or Enquest of Men, empanelled upon a Cause. 18 Hen. 6. cap. 14. Hence the Verb to *Array a Pannel. An. 3 H. 5. cap. 5.* and *Old Nat. Br. fol. 157.* That is, to set forth the Men empanelled one by another. The *Array* shall be quashed; *ibidem.* By the Statute, every *Array* in Assize ought to be made four days before. *Br. tit. Pannel. num. 10.* To challenge the *Array.* *Kitchin, fol. 92.* See *Challenge.* To lead and conduct persons armed and arrayed, *14 Car. 2. cap. 3.*

Arrapers (*arraiatores*) Is used in the Statute, 12 Rich. 2. cap. 6. for such Officers, as had care of the Soldiers Atmor and see them duly accoutred in their kindes. Such were the Commissioners of *Array*, appointed by King Charles the First, in the year 1642. *Edw. Dei gratia Rex Anglia, Dominus Hib. & Dux Aquit. dilectis & fidelibus suis Johanni de Oscleskorp & Johanni de Fenton, electoribus & Arraiatoribus hominum in Wapentachio de Barkston salutem. Cum ad repellendam Scotorum maliciam qui regnum nostrum hostiliter sunt ingressi, bomicidiam, depredations, incendia & alia mala -cita perpetrando versus partes Marchia Scotia, &c. Indo Scotti cum toto posse suo ut pro certo didiscimus propè civitatem nostram Karleoli ista die Mariis se congregare proponunt, &c. Nos considerantes periculum, &c. Omnes homines defensibiles & potentes ad pugnandum ejusdem Wapentagii tam milites quam alii, &c. I. me ipso apud North-Alverton xiii die Junii, Anno regni nostri primo.*

Arraine or Arraigne (from the French *Arranger*, i. to set a thing in order or in his place) hath the same signification in Law: For he is said to *Arraine* a Writ of *Novel Disseisin*, who prepares and fits it for Tryal before the Justices of the Circuit, *Old Nat. Br. fol. 109. Littleton (pag. 78.) useth the word in the same sense, viz. The Leafe arraigneth an Assize of Novel Disseisin.* To *arraign* the *Assize*, is to cause the Tenant to be called, to make the Plaintiff, and to set the Cause in such order, as the Tenant may be enforced to answer thereto, *Coke on Littl. fol. 262. b.* Also a Prisoner is said to be *arraigned*, when he is enlisted and brought forth to his Tryal. *Arraigned* within the Verge upon Murder. *Stamf. Pl. Cor. fol. 150.* The manner of this *Arraignment* you may read

in Sir Thomas Smith de Rep. Engl. lib. 2. cap. 23. — The Learned Spelman is of opinion, it should be written *Arrame*, from *avramare*, and that from the old French *arramir*, i. *jurare, promittere, solenniter proficeri.*

Arrearages (from the Fr. *arriere, retro*) The remain of an Accomp't, or a Sum of Money remaining in the hands of an Accomp'tant. It is sometimes used more generally for any Money unpaid at a due time; as *Arrearages of Rent.*

Arrentation (from the Span. *arrendare*, q. ad certum redditum dimittere,) *Ordin. Forestae, 34 Edw. 1. cap. 6.* Signifies the licencing an owner of Lands in the Forest, to enclose them, (*Bassa baya & parvo fossato, i.* with a low Hedge, and small Ditch; which is according to the Assize of the Forest) under a Yearly Rent. *Saving of the Arrentations,* Is saving power to give such Licences for a Yearly Rent.

Arrest (Fr. a stop or stay, and is metaphorically used for a Decree, or Determination of a Cause debated, or disputed *pro* and *con*; as *Arrest du Senat. i. Placitum Curiae.*) with us *Arrest* is taken for the Execution of the Command of some Court or Officer of Justice, and a Man stopped, staid, or apprehended for Debt, &c. is said to be *Arrested*; which may be called *The beginning of Imprisonment.*

To move or plead in *Arrest* of Judgment, is to shew cause why Judgment should be staid, notwithstanding the Verdict be given. To plead in *Arrest* of taking the Enquest upon the former Issue, is to shew cause why an Enquest should not be taken, &c. *Brook, tit. Repleader.* For preventing *Arrests* of Judgments, see the Statute, 16 & 17 Car. 2. cap. 8.

Arrestandis bonis ne dissipentur, Is a Writ which lies for him, whose Cattle or Goods are taken by another, who during the controversies, doth, or is like to make them away, and will hardly be able to make satisfaction for them afterward, *Register of Writs, fol. 126.*

Arrestando ipsum, qui pecuniam recepit ad proficisciendum in obsequium Regis, &c. Is a Writ which lies for the apprehension of him that hath taken Prest-Money for the Kings Wars, and hides himself when he should go. *Register of Writs, fol. 24. b.*

Arrestro factio super bonis mercatorum alienigenorum, &c. Is a Writ which lies for a Denizen, against the Goods of Strangers of any other Country, found within this Kingdom, in recompence of Goods taken from him in that Country, after he hath been denied restitution there. *Register of Writs, fol. 129. a.* This among the Ancient Civilians was called *Clarigatio*, now barbarously *Reprisalia*.

Arretted, (*arrestitus, quasi, ad rectum vocatus*) That is convented before a Judge, and charged with a crime. It is sometimes used for imputed, or laid unto; as, no folly may be arrested to one under age. *Littleton, cap. Remitter.* Chaucer useth the Verb *Arretteth*, i. Layeth blame, as it is interpreted. *Bradon says,*

says, *Ad rectum habere Malefactorem*, i. To have the Malefactor forth coming, so as he may be charged and put to his Tryal, *Lib. 3. tract. 2. cap. 10.* And in another place, *Rectatus de morte homini*, charged with the death of a Man.

Arrura, — *Hoc Scriptum factum apud Sutton Courtenay, 20 Die Dec. 4 Edw. 3.* Inter Dominum Hugonem de Courtenay ex parte una & Ric. de Stanlake & Johannam uxorem ejus ex altera, testatur, quod idem Dominus Hugo, in excambium — remisit — eisdem Ricardo & Johanna — omnimoda opera, viz. Arruras, Meffiones & Cariagea, & alia quacunque opera. — Et ipsi non dabunt *Medee*, &c. Penes Ibo. Wollaston de Sutton praedict. Ar. q. If not here used for Ploughing and Harrowing.

Arthel, (*An. 26 H. 8. cap. 6.*) — And that no person or persons shall hereafter, at any time, cast any thing into any Court within Wales, or in the Lordships Marchers of the same, by the mean or name of an Arthel; by reason whereof the Court may be letted, disturbed, or discontinued for that time, upon pain of, &c.) Is a British word, and is more truly written *Arddelw*, which the South-wales men write *Arddel*, and signifies (according to Dr. Davies Dictionary) *Astipulari, As severe, Vindicare; Asservio, Vindicatio; Anglice Abouch.* Example, *O delir Dym, at ledzad yn ei Lato rhaid iddo geisio Arddelw cyfreithlon, i fwoz ei ledzad oddiwrtho.* i. It a Man be taken with stoln Goods in his hands, he must be allowed a lawful *Arddelw* (Vouchee) to cleer him of the Felony. Which is part of the Law of *Howel Dda*; but probably was so abuited in Henry the Eighths time, by the delay of, or exemption of Felons, and other Criminals from, Justice, that provision by this Statute was made against it. *Ihus explicated by the Learned Meredith Lloyd Esquire*

Articles of the Clergy (*Articuli Cleri*) Are certain Statutes made touching Persons and Causes Ecclesiastical. *Anno 9 Edw. 2. and Anno 14 Edw. 3. Stat. 3.*

Assart, (*Fr. Effarter, to glade or make Glades in a Wood, to make Plain, to Grub up or clear a ground of Bushes, Shrubs, &c.*) Is (according to *Manwood, cap. 9. num. 1.*) an offence committed in the Forest, by plucking up those Woods by the Roots, which are Thickets, and Cover for the Deer, and by making them plain as arable Land; which is the greatest Offence or Trespase that can be done in the Forest, to Vert or Venison, containing as much or more then *Waste*. For whereas *Waste* of the Forest, is but the Felling and Cutting down the Coverts, which may grow again: *Assart* is a Plucking them up, and Destroying them; which is confirmed out of the Red Book in the Exchequer, in these words, *Assarta verò occasiones nominantur, quando Foresta nemora vel Dumeta, pascua & latibulus ferarum oportuna, succiduntur: Quibus successis & radicibus avulsis, terra subvertitur & excolli-*

tur. And again out of Register of Writs, fol. 257. in the Writ *Ad quod Damnum*, sent out in case where a Man sues for a Licence to *Assart* his Grounds in the Forest, and to make it several for Tillage. So that it is no offence, if done with Licence. To this *Braeton* may be added, (*Lib. 4. cap. 38.*) who saith, That tace words *Basus efficitur Assartum*, signific as much as *Redactus ad culturam*. Of this you may read more in *Cromp. Jurisd.* fol. 203. and in *Charta de Foresta, Anno 9 Hen. 3. cap. 4.* where it is written *Assert*, not *Assart*. And in *Manwood, part. 1. pag. 171.* That which we call *Assartum* is elsewhere termed *Duboscatio. Quietus de Effartis* we finde in a Charter of Priviledge granted by *Henry the First*, to the Abbot of *Rames. Scit. 198.* And in *Pat. 18 Edw. 3. pag. 1. m. 19.* — *Et quibusdam Sartis, qua sartaverunt homines ipsius Ecclesiae, &c.*

Assart was also anciently used for a parcel of Land assarted, as appears by this Charter of Roger Earl of Mortimer. *Sciant presentes & futuri, quod ego Rogerus de Mortuo mare Dedi & concessi Ade Pistori pro servitio suo tresdecem acres terra super Mughedone inter pratum quod fuit Petri Budelli & viam quae vadit per medium Mughedone. Dedi etiam eidem Ade Duo Asarta en la Hope, quae appellantur Ordichefruding & Aldicheruding, in quibus Asartis continentur quinque aera ad eandem mensuram tresdecem acraram super Mughedone. Ad tenendum de me & hereditibus meis sibi & hereditibus suis in feodo & hereditate libere & quiete, Reddendo inde annuatim mihi & hereditibus meis ille & heredes sui duos solidos ad Festum Sancti Michael. pro omni servitio, salvo servitio Domini Regis. Ut autem hac mea Donatio & concessio firma sit & stabilis, eam, bac cartâ mei filiglio meo munita, confirmavi. His testibus, Ade Salvag. Walt. de novo Menul. &c. Sine dat. Penes Tho. Bridgwater, Gen.*

Assault (*assultus*) Is a violent kinde of injury offered to a Mans person, of a higher nature then *Battery*; for it may be committed by offering a blow, or by a terrifying speech, (*Lamb. Eiren. lib. 1. cap. 3.*) As to rebuke a Collector with foul words, so that he departed for fear without doing his Office, was taken for an *Assault*. To strike at a Man, though he were neither hurt nor hit with the blow, was adjudged the like. *22 Lib. Ass. Plea. 60.* For *Assault* does not always necessarily imply a hitting, or blow; because in Trespals for *Assault* and *Battery*, a Man may be found guilty of the *Assault*, and excused of the *Battery*, *25 Edw. 3. cap. 24.* The Feudists define it thus, *Assultus est impetus in personam aut locum, sive hoc pedibus fiat, vel equo aut machinis aut quacunque alia re assilitur. Zafius de Feud. pag. 10. num. 38.*

Assach or Assath (*An. 1 H. 5. cap. 6.*) Was a strange kinde of Purgation used of old in Wales, by the Oaths of 300 Men. For so I finde it explicated in an ancient M. S. *Assach est un Jur. de 300 homes in Gales*, and is now abrogated

Assay

Assay of Measures and Weights (from the Fr. *Essay*, i. a proof or tryal) Is the examination used by the Clerk of the Market. Register of Writs, fol. 279. — *Ac Assisim & Assia panis, vini & Cervisia.* Paten. 37 Hen. 8. Tho. Marrow.

Assayer of the King (*Assiator Regis*, Fr. *assayeur*) Is an Officer of the Mint for the due tryal of Silver, indifferently appointed between the Maiter of the Mint, and the Merchants that bring Silver thither for exchange. Anno 2 Hen. 6. cap. 12. Vessels of Gold shall be assayed. Anno 28 Edw. 1. cap. 20. and 18 Car. 2. cap. 5. *Mandatum est Will. Hardel, Clerico, quod convocatis in presentia sua omnibus monetariis, Assiatoribus, custodibus, operariis & aliis ministris de Cambiis Regis London. & Cantuar. per visum & testimonium illorum prouideat, quod tot & tales operarii sint in praedictis Cambiis, qui sufficiant ad operationes regias faciendas, ne Rex pro defectu bujusmodi ministrorum dampnum incurrat.* T. apud Wudtoke, 10 Junii. Claus. 17 Hen. 3. m. 3.

Assembly unlawful, Is the meeting of three or more persons to do an unlawful act, though they do it not. Lamb. Eiren. lib. 1. cap. 19. See *Unlawful Assembly*.

Assessor (*Fleta*, lib. 2. cap. 15. useth it quasi, *Ordinator*, *Collocator*, *Distributio*.) We now use it for him that Assesseth Publick Taxes; as two Inhabitants in every Parish were Assessors for the Royal Ayd, that is, rated every person according to the proportion of his estate. An. 16 & 17 Car. 2. cap. 1. Also an Officer in the Presbyterian Assemblies.

Assets (Fr. *Affez*, i. *satis*) Signifies Goods now to discharge that burden, which is cast upon the Executor or Heir, in satisfying the Testators or Ancestors Debts, or Legacies. In *Brook*, *titulo*, *Assets par descent*, thou shall finde, That whoever charges another with *Assets*, charges him with having enough descended, or come to his hands to discharge that which is in demand. Of this there are two sorts, *Assets per descent*, and *Assets enter mains*.

The first is, Where a Man enters into Bond, and dies seised of Lands in Fee-simple, which descend to his Heirs, and are therefore chargeable as *Assets* in his hands: But if the Heir alien the Lands, before the Bond be put in suit, he is discharged. *Assets enter mains*, is, when a Man dies indebted, leaving to his Executors sufficient to discharge his Debts and Legacies; this is *Assets in their hands*.

Assign (*assigare*) Hath two significations; one general, as to appoint a Deputy, or to set over a right to another; in which, *Britton* (fol. 122.) saith, this word was first brought into use in favor of Bastards, because they cannot pass under the name of Heirs, were therefore comprised under that of *Assigines*. The other special, as to point at, or set forth, viz. To *Assign Error*, is to shew in what part of the Process Error is committed. To *assign false Judgment*, is to declare how and where the Judgment is unjust. To *assign a false Verdict*.

Old Nat. Br. fol. 17, 19, & 112. To *assign* Waste, is to shew; wherein especially the Waste is committed. Register of Writs, fol. 72. *Assign* in the general signification is used; Anno 20 Edw. 1. and 11 Hen. 6. cap. 2. in these words, *Justices assigned to take Assises*. And the Substantive *Assignment* hath the same signification; as the *Assignment* of a Lease, is the setting over, or transferring the Lessees interest to another.

Assignee, Is he that is deputed or appointed by another to do any act, or perform any business, or enjoy any commodity; and he may be so, either by Deed, or in Law. *Assignee by Deed*, is when a Lessee of a term, sells and assigns the same to another, that other is his *Assignee by Deed*. *Assignee by Law*, is he whom the Law somakes, without any appointment of the person; as an Executor is the *Assignee* in Law to the Testator, who dies possessed of a Lease made to him and his *Assignees*. *Perkins* (tit. *Grants*) says, An *Assignee* is he that possesses, or enjoys a thing in his own right; and *Deputy*, is he that does it in the right of another.

Assise, is derived from the French, *Assis*, i. *assiduum, locatum, definitum*) and is diversly used. *Littleton*, *Cba. Rents*, says it is *Aquicucom*, and sets down three significations of it. *One*, as it is taken for a Writ, *another* as it is used for a Jury, the *third* for an Ordinance. i. *Assise* is a Writ directed to the Sheriff for Recovery of Possession of things immoveable, whereof your self, or Ancestors have been disficed; and this is as well of things corporal, as incorporeal Rights, being of four sorts, viz.

Assise of Novel Disseisin (*Assisa nova Difissina*) Lies where a Tenant in Fee-simple, Fee-tail, or for Life, is lately disseised of his Lands or Tenements, Rent-service, Rent-seck, or Rent-charge, Common of Pasture, &c. and divers other such like, of which you may read *Glanvile*, lib. 10. cap. 2. *Bratton*, lib. 4. tract. 1. *Britton*, cap. 70. *Reg. of Writs*, fol. 197. *Fitz. Nat. Br. fol. 177. Westm. 2. cap. 25. Anno 13 Edw. 1.* And to this may aptly be added, the Bill of *Fresh force*, which is directed to the Officers or Magistrates of Cities or Towns-corporate, being a kinde of *Assise*, for Recovery of Possession in such places, within forty days after the force, as the ordinary *Assise* is in the County, *Fitz. Nat. Br. fol. 7.*

Assise of Mort d'Ancester (*Assisa mortis antecessoris*) Lies where my Father, Mother, Brother, Sister, Uncle, Aunt, &c. died seised of Lands, Tenements, Rents, &c. that he had in Fee-simple, and after his death a stranger abates: And it is good as well against the Abator, as any other in possession. How likewise this is extended, see *Bratton*, lib. 4. tract. 3. *per totum*. *Britton*, cap. 70. *Fitz. Nat. Br. fol. 114. Reg. of Writs*, fol. 223.

Assise of darrein presentment (*assisa ultime presentationis*) Lies where I or my Ancestor have

have presented a Clerk to a Church, and after (the Church being void by his death, or otherwise) a stranger presents his Clerk to the same Church, in my disturbance. And how otherwise this Writ is used. See *Braeton*, lib. 4. tract. 2. Register of Writs, fol. 30. *Fitz. Nat. Br.* fol. 195.

Affise de utrum (*Affisa utrum*) Lies for a Parson against a Lay-man, or a Lay-man against a Parson, for Land or Tenement doubtful, Whether it be Lay-fee, or Free-alms. And of this see *Braeton*, lib. 4. tract. 5. cap. 1. & seq. *Britton*, cap. 95. The reason why these Writs are called *Affises*, may be divers. First, because they settle the Possession, and so an outward right in him that obtains by them. Secondly, They were originally executed at a certain time and place formerly appointed. For by the Norman Law, the time and place must be known forty days before the Justices sit on them: And by our Law there must be likewise fifteen days of preparation, except they be tried in the standing Courts at *Westminster*, as appears by *Fitz. Nat. Br.* fol. 177. d.e. Lastly, They may be called *Affises*, because they are tried most commonly by especial Courts, set and appointed for the purpose, as may be well proved, not onely out of the *Customary of Normandy*, but our Books also: Which shew, That in ancient times Justices were appointed by special Commission, to dispatch Controversies of Possession, one or more, in this or that onely County, as occasion fell out, or Diversions were offered, and that as well in Term time, as out of Term: Whereas of later days, we see that all these Commissions of *Affises*, of *Eyr*, of *Oyer and Terminer*, of *Gual-delivery*, and of *Nisi prius*, are dispatched all at one time, by two several Circuits in the year, out of term, and by such as have the greatest sway of Justice, being all of them the Kings Justices of either Bench, *Barons of the Exchequer*, or *Serjeants at Law*.

Affise, In the second signification, according to *Littleton*, is used for a Jury. For (to use his own example) it is set down in the beginning of the Record of an *Affise* of *Novel Disseisin*, *Affisa venit recognituri*, which is as much as to say, *Juratores veniunt recognituri*. He gives this reason why the Jury is called an *Affise*; Because, by Writ of *Affise*, the Sheriff is commanded, *Quod faciat duodecim liberos & legales homines de viceneto, &c.* *Videre Tene-mentum illud, & nomina eorum imbrevoari, & quod summoneat eos per bonas summonitiones, quod sint coram Justiciariis, &c. parati inde facere recognitionem, &c.* This is (as if he should have spoken shorter) *Metonymia effecti*. For they are called the *Affises*, because they are summoned by virtue of the Writ so termed. And yet the Jury summoned upon a Writ of Right, is likewise called the *Affise*, as himself there confesseth. Which Writ of Right is not an *Affise*; but this may be said to be *aggravatus*, or abusively so termed. *Affise* in this signification is divided *In magnam & parvam*. *Glanville*, lib. 2. cap. 6 & 7, &c. and *Britton*,

cap. 12. Where it appears, wherein the Great *Affise* differs from the Petit *Affise*. The former four kindes of *Affises* used in Actions only Possessory, are called *Petit Affises*, in respect of the *Grand Affise*. For the Law of Fees is grounded upon two Rights: One of Possession, the other, of Property. And as the *Grand Affise* serves for the Right of Property; so the *Petit Affise* serves for the Right of Possession. *Horns Mirror of Justices*, lib. 2. cap. *De Novel Disseisin*.

Affise in the third signification, according to *Littleton*, is an Ordinance or Statute of *Affise*; as the Statute of *Bread and Ale* made Anno 51 Hen. 3. is termed the *Affise* of *Bread and Ale* (*Affisa panis & cervisia*) Reg. of *Writ*, fol. 279. b.

Affise of the Forest (*Affisa de Foresta*) Is a Statute or Condition, touching orders to be observed in the Kings Forest. *Manwood*, part. 1. pag. 35. *Crompton* in the Court of Justices of the Forest, *per totum*, fol. 146. & seq. And *Affise of the King*, Anno 18 Edw. 1. Stat. 1. called *The Statute for view of Frank-Pledge*. These are called *Affises*, because they set down and appoint a certain measure, rate, or order in the things they concern. Of *Affise*, in this signification, *Glanville* also speaks, *Lib. 9. cap. 10. in fine, Generaliter verum est quod de quoilibet placito quod in comitatu deducitur & terminatur, misericordia, que inde provenit, vicecomiti debetur: Qua quanta sit, per nullam affissam generalem determinatum est.* And thus much touching *Littletons Division*.

But if we mark well the Writers of the Law, we shall finde this word (*Affise*) more diversly used, then this Author hath noted. For it is sometime used for the measure or quantity it self, (and that *per Metonymiam efficiens*) because it is the very scantline described or commanded by the Ordinance: For example, we say, When Wheat, &c. is of this price, then the Bread, &c. shall be of this *Affise*. This word is further taken, for the whole Process in Court upon the Writ of *Affise*, or for some part thereof, as the Issue or Verdict of the Jury. For example, *Affises of Novel Disseisin*, &c. shall not be taken, but in their Shires, and after this manner, &c. *Mag. Char. cap. 12.* And so it seems to signify, *Westm. 2. cap. 25.* Anno 13 Edw. 1. in these words, Let the Disseisor allege no false exceptions, whereby the taking of the *Affises* may be deferred, &c. And Anno 34 Edw. 1. Stat. 2. if it be found by *Affise*; the *Affise* is arraigned; to aver by the *Affise*; the *Affise* by their default shall pass against them. And also Anno 1 Hen. 6. cap. 2. *Affises awarded by default of the Tenants*, &c. Lastly, By *Merton*, cap. 4. Anno 20 Hen. 3. certified by the *Affise*; quit by the *Affise*, &c. And in this signification *Glanville* calls it *Magnam Affissam domini Regis: qua ex duodecim ad minus legalium hominum Sacramentis consistit*, L. 2. c. 7. *Braeton* uses it in like sort, as, *Affisa cadit in transgressionem, & Affisa cadit in perambulationem* L. 4.c. 30, 31. *Fleta* defines an *Affise*,

Affise, in this signification, thus: *Affisa in iure possessorio, est quædam recognitio duodecim hominum juratorum, per quam Justiciarii certiorantur de articulis in brevi contentis.* And *Affise* also, thus signifying, is said sometime to pass (*per modum affisa*) and sometime in *modum jurata*; in manner of an *Affise*, when only the *Diffeisin* in question, is put to the tryal of the *Twelve*; in manner of a *Jury*, when any exception is objected to disable the interest of the *Diffeisee*, and is put to be tryed by the *Twelve*, before the *Affise* can pass.

Affise in this signification, is taken four ways, *Old Nat. Br. fol. 105.* The first is *Affise at large*, which is taken as well upon other Points, as upon the *Diffeisin*. For example, where an Infant brings an *Affise*, and the Deed of his Ancestor is pleaded, whereby he claims his Right or founds his Title; then the *Affise* shall be taken at large: That is, the Jury shall enquire not only whether the Plaintiff were diffeised, or not, by the Tenant, but also of these Points, *viz.* Whether his Ancestor were of full age, of good memory, and out of Prison, when he made the Deed, pleaded. Another example, You may read in *Littleton, cap. Estates upon Condition.* The second manner is, when the Tenant, as it were, setting foot to foot with the *Demandant*, without farther circumstance, pleads directly contrary to the Writ, *no wrong, no diffeisin.* The third is, When the Tenant alleges something by exception that must be tried by a *Jury*, before the principal cause can proceed: As if he plead *Forein Release*, or *Forein Matter* tryable in another County. For, in this case, the *Justices* refer the Record to the Court of *Common-Pleas*, for tryal of the *Forein Pleas*, before the *Diffeisin* can come to be deculed. Of this sort read divers other examples in *Braeton, lib. 4. part. 1. cap. 34.* For there are of them (as he saith, and *Britton* also, *cap. 52.*) both dilatory and peremptory. The fourth and last manner is, *Affise of Right of Damages*; that is, when the Tenant, confessing an *Ouster*, and referring it to a *Demurrer in Law*, whether it were rightly done or not, is adjudged to have done wrong. For then shall the *Demandant* have a Writ to recover damages, called an *Affise to recover damages*, as also the whole *Proces*.

Affise, is further taken for the Court, place, or time, when and where the Writs and Processes of the *Affise* are handled or taken: And in this signification *Affise* is general; as when the *Justices* go their several Circuits, with their Commission, to take all *Affises* twice in the year, that is called the *General Affise*. It may likewise, in this signification, be *special*; as if an especial Commission be granted to certain persons (as was often done in ancient time, *Braeton, lib. 3. cap. 11.*) for taking an *Affise* upon one *Diffeisin* or two; this would be called a *Special Affise*. And in this very signification, *Glanvile* uses it, *Lib. 9. cap. 12.* See *Cokes, 4 Inst. fol. 158.*

Concerning the *General Affise*, in the most

usual signification, thus the Learned Sir *Fr. Bacon.*

AL the Counties of this Realm (says he) are divided into six Circuits, and two Learned Men are assigned by the Kings Commission to every Circuit, who ride twice a year through those Shires allotted to that Circuit; these we call *Justices* or *Judges of Affise*, who have five several Commissions by which they sit.

The first is a Commission of Oyer and Terminer directed to them, and many others of the best account in their Circuits. But in this Commission the *Judges of Affise* are of the Quorum; so as without them, there can be no proceeding. This Commission gives them power to deal with *Treasons, Murders, and all manner of Felonies and Misdemeanors*; and this is their largest Commission.

The second is of *Goal Delivery*, and that only to the *Judges themselves, and the Clerk of the Affise Associate*; by this Commission they are to deal with every *Prisoner in Goal*, for what offence soever he be there.

The third Commission is directed to themselves only, and the Clerk of *Affise*, to take *Affises*, by which they are called *Justices of Affise*; and the Office of these *Justices*, is to do right upon Writs called *Affise*, brought before them by such as are wrongfully thrust out of their Lands.

The fourth Commission is to take *Nisi Prius*, directed to none but the *Judges themselves, and their Clerks of Affises*; by which they are called *Justices of Nisi Prius*.

The fifth is a Commission of Peace in every County of their Circuit. And all the *Justices of Peace*, having no lawful impediment, are bound to be present at the *Affises*, to attend the *Judges*, as occasion shall fall out; if any make default, the *Judges* may set a Fine upon him at their pleasure and discretions. The *Sheriff* of every Shire is also to attend in person, or by a sufficient Deputy, allowed by the *Judges*, who may Fine him, if he fail, &c. See more in *Sir Fr. Bacons Use of the Law, fol. 13. usque 21.*

Affise Continuanda, Is a Writ directed to the *Justices* assigned to take an *Affise*, for the continuance of the Cause, in case where certain Records alleged, cannot in time be procured by the party that would use them, *Reg. of Writs, fol. 217.*

Affise Proroganda, Is a Writ directed to the *Justices of Affise*, for stay of proceeding, by reason of the Kings business, wherein the party is employed. *Reg. of Writs, fol. 208, & 221.*

Affisors, (*affisores*) sunt qui *Affises* conductunt, aut taxationes imponunt. Spelman. In Scotland (according to *Skene*) they are the same with our Jurors, and their Oath is this.

We shal leil suith say,
And na suith conceal, far na thing we may,
So far as we are charg'd upon this *Affise*,
We God himself, and be our part of Paradise.
And as we wil answear to God, upon
The Dreadful day of Dome.

Affo-

Association (*associatio*) Is a Patent sent by the King (either of his own motion, or at the suit of the Plaintiff) to Justices appointed to take Assises of Novel Disseisin, or of Oyer and Terminer, &c. to take others unto them, as Fellows and Collegues in that affair. The examples, and sundry uses hereof you may finde in *Fitz-Nat. Br.* fol. 185 & 111. But more particularly in *Rec. of Writs*, fol. 201, 206, 223.

Affoile (*absolvere*) Signifies to deliver, pardon, or set free from an Excommunication. *Stamf. Pl. Cor.* fol. 72. to this effect; otherwise the Defendant should remain in prison, till the Plaintiff were *affoiled*; that is, delivered from his Excommunication. So in *1 Hen. 4. cap. 10.* Mention being made of King Edward the Third, it is added, *Whom God affoile*. *Henric. Duc de Lancastre, Count de Leicestre, de Derby & de — Seneschal Dingleytre, A tous ceux que ceste entendunre verront ou orront salut en Dieu, Come nostre cere & bien ame cousin John de Blount est en nostre mein renduz seisaunte acres de terre ou les appartenances en Salford en nostre Duchee de Lancastre les quels il avoit a luy & a ses Heirs. du den & Feuement nostre tres honore Seigneur & pere, que Dieu affoile*, &c. *Dat. 30 Edw. 3.*

Assumpſit (from *Aſſum̄o*) Is a voluntary promise made by word, whereby a man assumes or takes upon him to pay or perform any thing to another. This word comprehends any verbal promise made upon consideration, which the *Civilians* express diversly, according to the nature of the promise, calling it sometimes *Pactum*, sometimes *Promissionem*, *Pollicitationem*, or *Conſtitutum*.

Aſtribilthet or Atriſhilthet. (Sax.) *Hi qui pacem Regis habent, vel manu vel brevi, ei fidiles existant — Qui si nimis confidens in pace quam habet, per superbiam alicui fortificerit, dannum restauerit & iterum tantundem, quod Angli vocant Aſtribilthet.* LL. divi Edwardi, cap. 30. See *Hovedon*, pag. 606.

Aſta. See *Odio & Aſta*.

At large. See *Verdict at large* *Littl.* fol. 98. To *vouch at large*, *Old Nat. Br.* fol. 108. To make title *at large*. *Kitchin*, fol. 68. See *Bar*.

Attache, (*attachare*. From the Fr. *attacher*, i. *figere, nettere, alligare*) Signifies to take or apprehend by Commandment or Writ. *Lamb.* (in his *Eiren. lib. 1. cap. 16.*) makes this difference between an *Arreſt*, and an *Attachment*, that an *Arreſt* proceeds out of an Inferior Court by Precept, and an *Attachment* out of higher Courts, by Precept or Writ; and that a Precept to Arrest, hath these formal words, *Duci facias, &c.* And a Writ of *Attachment* these, *Principimus tibi quod attaches tallem & habebas cum coram nobis, &c.* Whereby it appears, that he, who Arrests, carries the party Arrested to another higher person to be disposed of forthwith; he that *attaches*, keeps the party attached, and presents him in Court at the day assignd in the *Attachment*. Yet an *Attachment* sometimes issues out of a Court Baron, which is an Inferior Court, *Kitchin*, fol.

79. There is another difference, in that an *Arreſt* lies only upon the Body of a Man, and an *Attachment* sometimes on his Goods; which makes it in that particular differ from a *Capias*, in being more general: For, a man may be *attached* by an hundred Sheep (*Kitchin, fol. 263.*) but the *Capias* takes hold of the Body only. See *Skene, Verbo, Attachiamētum*.

Attachment by Writ, differs from a *Distress* or *Distringas* in this, That an *Attachment* reacheth not to Lands, as a *Distress* doth, and that a *Distress* toucheth not the Body (if it be properly taken) as an *Attachment* doth, yet are they divers times confounded, as may appear by *Glanvil, lib. 10. cap. 3.* and *Fleta, lib. 2. cap. 66.* Howbeit, in the most common use, an *Attachment* is an apprehension of a Man by his Body, to bring him to answer the Action of the Plaintiff. A *Distress*, without a *Writ*, is the taking of a Mans Goods for some real cause, as Rent, Service, or the like, whereby to force him to Replevy, and so to be Plaintiff in an Action of *Trespass* against him that distrained him. See *Distress*.

Attachment out of the Chancery, is had of course, upon an *Affidavit* made, That the Defendant was served with a *Subpana*, and appears not, or issueth upon not performing some Order or Decree. After the return of this *Attachment* by the Sheriff, *Quod non est inventus in Baliva sua* — Another *Attachment* with Proclamation issues out against him; and if he appears not thereupon, then a *Writ of Rebellion*. *West. part. 2. Symbol. tit. Proceedings in Chancery.*

Attachment of Priviledge, Is by virtue of a Mans Priviledge, to call another to that Court, whereto he himself belongs; and in respect whereof he is priviledged, to answer some Action. *New Book of Entries. Verbo, Priviledge, fol. 431.*

Foreign Attachment, Is an *Attachment* of Goods or Money, found within a Liberty or City, to satisfie some Creditor of his within such City or Liberty. And, by the Custom of some places, as *London*, &c. a Man may attach Money or Goods in the hands of a Stranger, while he is within their Liberty. As it *A* owes *B* 10l. and *C* 10l. *B* may attach this 10l. in the hands of *C*, to satisfie himself for the Debt due from *A*. See *Caltrops Reports*, pag. 66.

There is likewise an *Attachment of the Forest*, which is one of the Three Courts there held; The lowest is called the *Attachment*; the mean, *Swainmote*; the highest, the *Justice in Erys seat*. This Court of *Attachment* seems to be so called, because the *Verderors* of the Forest have therein no other Authority, but to receive the *Attachments* of Offenders against Vert and Venison, taken by the rest of the Officers, and to enrol them, that they may be presented or punished at the next *Justice Seat*. *Manwood, part. 1. pag. 93.* And this *Attaching* is by three means, By Goods and Chattels; by Body, Pledges, and Mainprize, or by the Body only. The Court is kept every Forty days

days throughout the year. See Crompton in his *Court of the Forest*. The diversity of *Attachments* you may see in *Register of Writs*, under the word *Attachmentum, in Indice*.

Attaint (*attincta*) As it is a Substantive, is used for a Writ, that lies after Judgment, against a Jury, that hath given a false Verdict in any Court of Record (be the Action Real or Personal) if the Debt or Damage summount the sum of 40s. What the Form of the Writ is, and how inuse, is expressed in *Fitz. Nat. Br.* fol. 105. and *New Book of Entries*, fol. 84. The reason why it is so called, is because the party that obtains it, endeavors thereby to touch or stain the Jury with Perjury, by whose Verdict he is grieved: And if the Verdict be found false, then the Judgment anciently was, That the Jurors Meadows should be ploughed up, their Houses broke down, their Woools grubbed up, and all their Lands and Tenements forfeited to the King: But if it pass against him that brought the *Attaint*, he shall be imprisoned and grievously ransomed at the Kings Will. See *Glanvile*, lib. 2. cap. 19. *Smith de Repub. Angl.* lib. 3 cap. 2. 11 Hen. 7. cap. 21 & 23 Hen. 8. cap. 3. In what diversity of Cases this Writ is brought, see *Reg. of Viritis in Indice*. It was anciently called *Breve de Convictione*. See *Coke on Little*, fol. 294. b.

Attainted (*attinctus*) Is used particularly for such as are found guilty of some crime or offence, and especially of Felony or Treason. Yet a Man is said to be *attainted* of Disserfin. *Westm. 1. cap. 24*, & 36. *Anno 3 Edw. 1.* And so it is taken in French, as *Estre attaint & vayncu en aucun cas*, i. to be cast in any case. *Britton. cap. 75.* uses the Participle *Attaint*, in the sense we say *attained unto*. A Man is *attainted* by two means, by Appearance, or by Process. *Stanf. Pl. Cor. fol. 44.* *Attainer* by Appearance is by Confession, by Battle, or by Verdict. *Confession* (whereof *Attaint* grows) is twofold; one at the Bar before the Judges, when the Prisoner, upon his Indictment read, being asked guilty or not guilty, answers guilty, never putting himself upon the Jury; the other is, before the Coroner in Sanctuary, where he upon his Confession, was, in former times constrained to abjure the Realm, which kinde also, of the effect, is called *Attainer by Ajuration*, *Stanf. fol. 182.* *Attainer by Battle*, is when the party, appealed by another, and chusing to try the truth by Combat, rather then by Jury, is vanquished. *Attainer by Verdict*, is when the Prisoner at the Bar, answering not guilty to the Indictment, hath an Enquest of Life and Death passing upon him, and is, by their Verdict, pronounced guilty. *Idem. fol. 108 & 192.* *Attainer by Process*, otherwise called *Attainer by Default*, or *Attainer by Outlary*, is where a party flies, or doth not appear, until he hath been five times called publickly in the County Court, and at last upon his default is pronounced or returned *Outlawed*. The same Author (fol. 108.) makes a difference between *Attainer* and *Conviction*; with whom agrees the Statute, *Anno*

34 & 35 Hen. 8. cap. 14. and *Anno 1 Edw. 6. cap. 12.* in these words, *That then every such Offender, being duly thereof convicted or attainted by the Laws of this Realm, &c.* And I finde by *Stanf. (Pl. Cor. fol. 66.)* That a Man by our ancient Laws, was said to be *convicted* presently upon the Verdict (*guilty*), but not to be *attainted*, until it appeared he was no Clerk, or being a Clerx, and demanded by his Ordinary, could not purge himself. And in one word it appears, That *Attainer* is larger then *Conviction*; *Conviction* being onely by the Jury: And *Attainer* is not before Judgment. *Perkins, Grants, num. 27, 29.* Yet it appears by *Stanf. fol. 9.* that *Conviction* is sometimes called *Attainer*: For there he says; the Verdict of the Jury does either *acquit* or *attaint* a Man. And so it is, *Westm. 1. cap. 14.* This ancient Law touching the Conviction and Purgation of Clerks is altered by 23 *Eliz. cap. 2.* as you may read in *Clergy*.

Attainer (*attincta* and *attinctura*) Is when a Man hath committed Treason or Felony, and after Conviction, Judgment hath passed upon him. The Children of a person *Attainted* of Treason cannot be Heirs to him, or any other Ancestor. And if he were noble and gentle before, he and his posterity are made base and ignoble: This corruption of Blood cannot be salved, but by Act of Parliament. See *Attainted*, and *Felony*.

Attendant (*attendens*) Signifies one that owes a duty or service to another, or depends on him. For example, there is *Lord, Mesn*, and *Tenant*, the *Tenant* holds of the *Mesn* by a penny, the *Mesn* holds over by two pence: The *Mesn* releases to the *Tenant* all the right he hath in the Land, and the *Tenant* dies; his Wife shall be endowed of the Land, and she shall be *Attendant* to the Heir of the third part of the penny, and not of the third part of the two pence. For she shall be endowed of the best Possession of her Husband. And, where the Wife is endowed by the Guardian, she shall be *Attendant* to the Guardian, and to the Heir at his full age. *Kitchin, fol. 209.* With whom agrees *Perkins in Dower*, 424.

Attreming. —Also such as will purchase attreming of their Debts shall be sent into the Exchequer. *Ordinatio de libertatis perquendis. Anno 27 Edw. 1.* It comes from the Fr. *Attermoye*, i. That hath a term or time granted for the payment of a debt. So in this Statute, it seems, to signify the Purchasing or gaining a longer time for payment of a debt. *Attrementum quarentes usque in proximum Parliamentum, Westm. 2. cap. 24.*

Attorney (*attornatus*) Is he that is appointed by another Man to do any thing in his stead; as much as *Procurator* or *Syndicus* in the Civil Law. *West* defines them thus, *Attorneys* are such persons as by the Consent, Commandment, or Request of others, see to, and take upon them the charge of their business, part. 1. *Symbol. lib. 2. fol. 559.* In ancient time, those of Authority in Courts, had it in their power, whether to

suffit men to appear, or sue by another then themselves, as is evident by *Fitz. Nat. Br. fol. 25.* in the Writ *Dedimus potestatem de Attornato faciendo*, where it is shewed, That Men were driven to procure the Kings Writs or Letters Patent to appoint *Attorneys* for them; but it is since provided by Statutes, that it should be lawful so to do, without any such circuit, as appears by *20 Hen. 3. cap. 10.* — *6 Edw. 1. c. 8.* — *27 ejusdem, Stat. 2.* — *12 Edw. 2. cap. 1.* — *15 ejusdem, cap. unico.* — *7 Ricb. 2. cap. 14.* — *7 Hen. 4. cap. 13.* — *3 Hen. 5. cap. 2.* — *15 Hen. 6. cap. 7.* and *17 Hen. 7. cap. 2.* And you may see great diversity of Writs in the Table of the Register, wherein the King by his Writ commands the Judges to admit of *Attorneys*; whereby there grew at last so many unskilful *Attorneys*, and so many mischiefs by them; that for restraining them, it was enacted (*4 Hen. 4. cap. 18.*) that the Justices should examine them, and displace the unskilful. And again, (*33 Hen. 6. cap. 7.*) that there should be but a certain number of them in Norfolk and Suffolk. In what cases a Man at this day may have an *Attorney*, and in what not, see *Fitz. ubi supra.*

Attorney is either general, or special. *Attorney General* is he, who by general Authority is appointed to manage all our Affairs or Suits; As the *Attorney General of the King*, which is as much as *Procurator Casarum* was in the *Roman Empire*. *Attorney General of the Duke*. *Cromp. Jurif. fol. 105.* *Attorney Special or Particular*, is he that is employed in one or more causes particularly specified; of whom you may read more at large in *Glanvile, lib. 11. cap. 1.* and *Britton, cap. 126.* There are also, in respect of the divers Courts, *Attorneys at large*, and *Attorneys special*, belonging to this, or that Court only. The name is borrowed of the Normans, as appears by the *Customary, cap. 65.* Our old Latin word for it, seems to be *Responsalis*. *Braeton, lib. 4. cap. 31.*

Attorney of the Court of the Dutchy of Lancaster (*Attornatus Curie Ducatus Lancastriae*) Is the second Officer in that Court, and seems, for his skill in Law, to be there placed as *Affessor* to the Chancellor of that Court, being for the most part some Honorable Person, and chosen rather for some especial trust, reposed in him, to deal between the King and his Tenants, than for any great Learning; as was usual with the Emperors of *Rome*, in the choice of their Magistrates.

Attournment (from the Fr. *Tourner, i. vertere*) Is an acknowledgment of the Tenant to a new Lord. As when one is Tenant for Life, and he in Reversion, grants his right to another, it is necessary the Tenant for Life agree thereto, which is called *Attournment*, without which nothing passeth by the grant. But if the Grant be by Fine in Court of Record, he shall be compelled to *Attourn*. *Stat. 27 Hen. 8. cap. 16.* The words used in *Attournment* are these, *I agree me to the Grant made to you, or (more commonly) Sir, I attourn to you by force of the*

same Grant; or, I become your Tenant, or deliver to the Grantee a penny by way of Attournment. *Littl. lib. 3. cap. Attournment*, where you may finde divers other Cases, where to *Attournment* appertains, and that it is the transposing those duties, which the Tenant owed his former Lord, to another, as his Lord. *Attournment* is either by word, or by act, voluntary or compulsory, by the Writ *Per qua servitio*, (*Old Nat. Br. fol. 155.*) or sometimes by Distress. *Fitz. Nat. Br. fol. 147.* It may be made to the Lord himself, or to his Steward in Court. *Kitchin, fol. 70.* There is *Attournment in Deed*, and *Attournment in Law*. *Coke, vol. 6. fol. 113. 4.* *Attournment in Law* is an Act, which though it be no express *Attournment*, yet in intendment of Law, it is of equal force. *Coke on Littl. fol. 309.*

Attornato faciendo vel recipiendo, Is a Writ, which a Man owing suite to a County, Hundred, or other Court, and desiring to make an *Attorney* to appear for him there (whom he doubts the Sheriff or Steward will not otherwise admit) purchaseth, to command him to receive such a Man for his *Attorney*, and admit his appearance by him. The form and other Circumstances whereof. See in *Fitz. Nat. Br. fol. 156.*

Abage or Abisage, Is a Rent or Payment which every Tenant of the Mannor of *Writtle* in *Essex*, upon St. *Leonards day*, 6 Novemb. pays to the Lord, viz. for every Pig under a year old ob 3; for every yearling Pig 1 d, and for every Hog above a year old 2 d, for the privilidge of *Pawnage* in the Lords Woods. *Iob. Edmonds, Gen. Senescal, ibidem.*

Audience Court (*Curia Audientia Cantuariensis*) Is a Court belonging to the Archbishop of *Canterbury*, of equal authority with the *Arches*, though inferior, both in Dignity, and Antiquity, and is held in the Archbishops Palace. Of which, you may read more in a Book, entitled, *De Antiquitate Ecclesiae Britannica Historia*, and *4 Inst. fol. 337.*

Audiendo & terminando, Is a Writ, or rather a Commission directed to certain persons, when any Insurrection or great Misdemeanor is committed in any place; for the appealing and punishment thereof, of which, you may read at large in *Fitz. Nat. Br. fol. 110.* See *Oyer and Terminer*.

Audita querela, Is a Writ that lies against him, who, having taken a Statute-Merchant, or Recognisance in the nature of a Statute Staple, or a Judgment or Recognisance of another, and craving, or having obtained execution of the same from the Major and Bailiffs, before whom, it was entred; at the complaint of the party, who entred the same, upon suggestion of some just cause, why Execution should not be granted, as a Release, or other Exception. This Writ is granted by the Lord Chancellor of *England* (upon view of the Exception suggested) to the Judges of either Bench, willing them to grant Summons to the Sheriff of the County, where the Creditor is, for his appearance

ance at a certain day before them. See more in *Old Nat. Br.* fol. 66. and *Fitz. Nat. Br.* fol. 102.

Auditor (Lat.) Is an Officer of the King, or some other great personage, who yearly, by examining the Accompts of all under Officers accomptable, makes up a general Book; which shews the difference between their Receipts or Charge, and their Allowances, commonly called *Allocations*. As namely, the *Auditors* of the *Exchequer* take the Accompts of those Receivers, who receive the Revenues of the Augmentation, as also of the Sheriffs, Escheators, Collectors, and Customers. Of which, see the Statute 33 Hen.8. c. 83. and 4 part. *Inst. fol.* 106.

Auditor of the Prests or Imprests, Are also Officers in the *Exchequer*, who take and make up the great Accompts of Ireland, Berwick, the Mint, and of any Money imprest to any Man for His Majesties service. See *Practise of the Exchequer*, p.83.

Auditor of the Receipts, Is an Officer of the *Exchequer* who writes the Tellers Bills, and makes an Entry of them, and gives in every week to the Lord Treasurer, a Certificate of the Money received. He makes also Debentures to every Teller, before they pay any Money, and takes their Accompts. See 4 part. *Inst. fol.* 107.

Abenture (*rectius adventure*) Is a mischance causing the death of a Man, without Felony; as when he is suddenly drowned or burnt, by any disease or mischance, falling into the Water or Fire. *Britton*, cap. 7. where you may read how it differs from *Misadventure*, which see.

Abenage (Fr.) A certain quantity of Oats paid to a Land-lord in lieu of some other duties, or as a Rent from the Tenant.

Abenoz (from the Fr. *avenie*, i. Oats) Is an Officer of the Kings, who provides Oats for his Stable; and is mentioned *Anno 13 Car. 2. cap. 8.*

Avera (*quasi overa*, à Gal. *ouvre*, à ouvrage, *velut operagium*) In *Doomsday*, *Grenbriß*, *Rex Fordbam*, sed tamen semper inveniat Averam vel 8 d. in *Servicio Regis*. That is, a days work of a Ploughman, or 8 d. 4 *Inst. fol.* 269.

Average (*averagium*, from *Averia*, i. Cattle) Signifies Service which the Tenant owes the King, or other Lord, by Horse or Ox, or by Carriage with either; For in ancient Charters of Priviledges, we finde *Quicuumque de Averagiis*. Others probably derive it from the French (*courage* or *curre*, s. *opus*) It hath two significations: First, *Rastal* mentions the Kings *Averages*, which I take to be the Kings carriage by Horse or Cart. Then, *Anno 32 H. 8. cap. 14.* and *1 Jac. cap. 32.* it is used for a certain contribution that Merchants and others, do proportionably make towards their losses, who have their Goods cast into the Sea for the safeguard of the Ship, or of the Goods and Lives of them in the Ship, in time of a Tempest. And this contribution seems to be so cal-

led, because it is proportioned after the rate of every Mans *Average*, or Goods carried. In this last sense, it is also used in the Statute 14 Car.2. cap.27.

Average, Is also a little duty, which those Merchants, who send Goods in another Mans Ship, do pay to the Master of it, for his care of them, over and above the Freight; for in Bills of Lading it is expressed—*Paying so much Freight for the said Goods, with Frimage and Average accustomed*.

Aberitis captis in Withernam, Is a Writ, for taking Cattle to his use, who hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, that they cannot be Replevied. *Reg. of Writs*, fol. 82. When mention is made of one Beast, we say, *Quidam equus, vel quidam bos*; when of two or more, we do not say *Equis* or *boves*, but *tus* *avaria*.

Averment (*verificatio*) From the Fr. *Averer*, i. *verificare*, *testari*) Signifies commonly an offer of the Defendant, to make good or justify an Exception pleaded in Abatement or Bar of the Plaintiffs Action; and it signifies the Act, as well as the offer of justifying the Exception. For, *Anno 34 Edw. 1. Stat. 2.* **The Demandant will offer to aver by the Assise of Jury**, &c. In the English *Nat. Br.* fol. 57. *These Errors shall be tried by Averment, &c.* And in 15 Hen.6. cap.1. **The Defendants shall have their Averment**, to say, that, &c. **Averment** is two-fold, viz. general and particular; a general Averment, which is the conclusion of every Plea to the Writ, or in Bar of Replications, and other Pleadings (for Counts or Avowries in nature of Counts, need not be averred) containing matter Affirmative, ought to be averred, with an *hoc paratus est verificare*, &c. Particular Averment, is when the life of Tenant for Life, or Tenancy in Tail is averred, &c. And an Averment contains as well the matter as the Form thereof. *Coke on Little*, fol. 362. b.

Aberpeny (*quasi average-peny*) Is Money contributed towards the Kings averages; or Money given to be freed thereof. *Rastals Exposition of words*. Averpeny, *hoc est*, *quietum esse de diversis Denariis pro avergiis Domini Regis*.

Augmentation (*augmentatio*) Was the name of a Court, erected 27 Hen.8. as appears by the Twenty seventh Chapter of that years Parliament; to this end, that the King might be justly dealt with, touching the profit of such Religious Houses and their Lands, as were given him by Act of Parliament the same year, not Printed. For dissolving which Court, there was authority given Queen Mary, by the Parliament held the first of Her Reign. *Seff. 2 Ca. 10.* Which She afterwards put in execution by Her Letters Patent. The Court tooke name from this, That the Revenue of the Crown was thought to be much augmented by the suppression of the said Houses, many of which, the King referred to the Crown.

Abifage. See *Avage*.

Aulneger. See *Alnager*.

Aumone, (Fr. *aumōne*, i. an Alms) Tenure in *Aumone*, is a Tenure by Divine Service; so says *Britton*, fol. 164. As when Lands or Tene- ments are given in Alms, to some Church or Religious House, with Condition, that some Service or Prayers shall be offered at certain times, for the good and quiet of the Donors Soul, or otherwise. See *Frank Almoin*.

Aumonier (Fr. *Aumōnier*.) See *Alm- ner*.

Auncel-weight (*quæst Hand-scale weight, or from Anja, i. The handle of the ballance*) Is a kinde of weight with Scales hanging, or Hooks fastned at each end of a Beam or Staff, which a Man lifted up upon his fore-finger or hand, and so discerned the equality or difference between the weight, and the thing weighed. In which, because there was wont to be great deceit, it was forbidden 25 Edw. 3. Stat. 5. cap. 9. 34 Eiusdem, cap. 5. and 8 Hen. 6. cap. 5. And the even ballance orely commanded; notwithstanding it is still used in some parts of England. By a Constitution made by Henry Chicheley, Archbisshop of Canterbury, Anno 1430. *Pro abolitione ponderis vocati Le Auncel weight seu Scheft seu Pounder, &c.* (*Dolo- quodam statere genere*) qui uitetur Excommuni- candum.

Ancient Demeasne. See *Ancient De- measne*.

Aboideance hath two significations; the one when a Benefice becomes void of an Incumbent; the other, when we say in Pleadings in Chancery, confessed or avoided, traversed, or denied, &c. See *Vordance*.

Abowē (*advocatus*) *Britton* (cap. 29.) saith, That *Abowē* is he to whom the right of *Ad- rowzen* of any Church Appertains; so that he may present thereunto in his own name: And is called *Abowē*, for a difference from those that sometime present in another Mans name, as a Guardian that presents in the name of his Ward; and for a difference also from those, who have the Lands, whereto an *Adrowzen* appertains, but only for term of their lives, or of years, by Intrusion or Disseisin. See *Advowē*

Abowry (Fr. *Advouerie*) Is where one takes a Distress for Rent, or other thing, and the other sues *Replevin*, then the taker shall justifie in his Plea for what cause he took it; and if he took it in his own right, he ought to shew that, and to *abow* the taking, which is called his *Abowry*. But if he took it in the right of another, then, when he has shewed the Cause, he shall make Confusione of the taking, as Bailiff or Servant to him in whose right he did it. *Terms of the Law.* Anno 21 Hen. 8. cap. 19. For the more speedy and effectual proceeding upon Distresses and *Abowries* for Rents, see the Stat. 17 Car. 2. cap. 7.

Avoir du pois (Fr. *avoir du poids*, i. *Ha- bère pondus, aut justi esse ponderū*) Signifies, First, a kinde of weight different from that which is called *Troy-weight*, containing but

Twelve ounces to the pound, whereas this hath Sixteen. And in this respect it is (probably) so called, because it is of *more weight* than the other. 2. It signifies such merchandises as are weighed by this weight, and not by *Troy-weight*, as in the Statute of York, 9 Edw. 3. in Proam. 27 Edw. 3. Stat. 2. cap. 10. and 2 Rich. 2. cap. 1. See *Weights*.

Aurum Regina. Rot. Pat. Anno 52 Hen. 3. m. 26. See *Queen-Gold*.

Austurcus, A Goshawk; whence we usually call a Faulkner, who keeps that kinde of Hawks, an *Ostringer*. Some ancient Deeds have reserved *Unum Austurcum*, as a Rent to the Lord.

Await (13 Rich. 2. cap. 1) It is Ordained, That no Charter of Pardon from thenceforth shall be allowed before any Justice for Murder, or for the Death of a Man, slain by Await, Assault, or Malice prepensed, Treason or Rape of a Woman, unless the same be specified in the Charrer, &c.) Seems to signifie that which we now call *Waz-laying*, or lying in *Wait*.

Award (from the Fr. *agarder*) Propriè est *Judicium ejus*, qui nec à lege nec à *Judice* da- tur, ad dirimendam item, sed ab *ipsis litiganti- bus* eligitur. Is the judgment of him, who is chosen by two or more parties at variance, to determine the Controversie between them. *Dictum, quod ad custodiendum seu observandum partibus imponitur. Spel.*

Awm (1 Jac. cap. 33. and 12 Car. 2. cap. 4.) A Measure of Rhenish-wine, containing forty Gallons: Yet I finde in a very old Printed Book thus — *The Wodd of Rhenish-wine of Dordreyght is ten Awames, and every Awame is fifty Gallons. Item, the Wodd of Antwerp is xxiiij Awames, and every Awame is xxxv Gallons.*

Auxilium ad filium militem faciendum et filiam maritandam. Was a Writ directed to the Sheriff of every County, where the King or other Lord had any Tenants, to levy of them reasonable *Aid*, towards the Knighting His Son, and the Marriage of His eldest Daughter. See *Aid.* *Fitz. Nat. Br.* fol. 82. and *An.* 12 Car. 2. cap. 24.

Ayd. See *Aid*.

B.

Bacheloz (*bachalurens*) of the Fr. *Bachalier, i. tyro.*) Whence I gather, those, that are called *Bachelors* of the Companies in London, are such of each Company, as are springing towards the estate of those that are employed in Council, but as yet are inferiors. For every Company of the Twelve, consists of a Master, two Wardens, the Livery, (which are Assistants in Matters of Council, or at the least, such as the Assistants are chosen out of) and the *Bachelors*, who are yet but in expectation of Dignity among them, and have their Function only

only in attendance upon the Master and Wardens.

Bachelör was anciently attributed to the Lord Admiral of England, if he were under a Baron. This word is used, *Anno 13 Rich. 2. Stat. 2. cap. 1.* and signifies as much as *Knight-Bachelor* does, *3 Edw. 4. cap. 5.* that is, a *Simple Knight*, not a *Knight Baneret*, or *Knight of the Bath*.

Sachez nous Roger de Mortimer Seigneur de Wymore avoir donne & grante a nostre chier Bachelör, Monsieur Robert de Harley, pour son bon service & pour cent livres de argent, la garde du Corps Gilbert Filz & heir Sir Joban de Lacy, ensemblement ove le mariage mesmes celuy Gilbert deyns age estant en nostre garde, &c. Donne a Penebrugge l'an du regne le Roy Edward Filz le Roy Edward unzyme. See *Baneret*.

Backberend (Sax.) Signifies bearing upon the back, or about a man. *Bracton* uses it for a sign or circumstance of manifest theft, (called by the *Civilians Furtum manifestum*) which he defines thus, *Vbi latro deprehensus est seipsum de aliquo latrocimio, sc. Handhabend & Backberend, & infecetus fuerit per aliquem cuius res illa fuerit, Lib. 3. tract. 2. cap. 32.* *Manwood* (2 pa. *For. Laws*) Notes it for one of the four Circumstances or Cases, wherein a Forester may arrest the Body of an Offender against Vert or Venison in the Forest. For by the Assise of the Forest of *Lancaster* (says he) taken with the manner, is, when one is found in the Kings Forest in any of these four degrees. *Stable Stand, Dug-draw, Back-bear, and Bloody-hand.* Which see in their proper places.

Badger (from the Fr. noun *Bagager*, i. A Carrier of Luggage) Signifies with us one that buys Cows or Victuals in one place, and carries it to another, to make profit by it. See *Cromptons Just. of Peace*, fol. 69, 70.

Bail (from the Fr. noun *Bail*, i. A Guardian or Gaoler) Is properly used for the freeing or setting at liberty of one arrested or imprisoned upon Action, either Civil or Criminal, under surety taken for his appearance at a day and place certain. *Bracton*, *lib. 3. tract. 2. cap. 8. num. 8 & 9.* The reason why it is called *Bail*, is, Because by this means the party restrained, is delivered into the hands of those that bind themselves for his forth-coming. There is both *common* and *special Bail*; *Common Bail* is in Actions of small prejudice or concernment, being called *Common*, because any Sureties in that case, are taken; whereas in Causes of greater weight, as Actions upon Bond or Specialty, *Special Bail* or Surety must be taken, as Subsidy Men at least, and they according to the value. *Manwood*, in his first part of *Forest Laws*, pag. 167. says, there is a great diversity between *Bail* and *Mainprise*: For he that is *Mainprised*, is always said to be at large, and to go at his own Liberty out of Ward, from the time he is *Mainprised*, till the day of his appearance: But otherwise it is, where a Man is let to *Bail* by four or two Men, by the Lord Cheif Justice in *Eyre*, until a cer-

tain day; for there he is always accounted by the Law, to be in their *Ward*, and custody for the time: And they may, if they will, keep him in *Ward* or *Prison*. So that he who is so *bailed*, shall not be said by the Law, to be at large; or at his own liberty. See *Lamb. Eiren lib. 3. cap. 2. pag. 330.* *Bail* is also a certain Limit within the Forest, as it is divided into the charges of several Foresters. *Crompton* in the *Oath of Bow-bearer*, fol. 201. See *Mainprise*, and 4 *Instit. fol. 178*.

Bailiff (*Balivus*) As the name, so the Office it self in ancient time was answerable to that of *France*, where there are Eight Parliaments, which are high Courts, whence lies no Appeal; and within the Precincts of those several parts of that Kingdom, which belong to each Parliament, there are several Provinces, to which Justice is ministered by certain Officers called *Bailiffs*. So in *England* we see many several Counties, in which, Justice hath been ministered to the Inhabitants by the Officer, whom we now call *Sheriff* or *Vicount* (the one name descending from the *Saxons*, the other from the *Normans*.) And though I cannot expressly prove, That this *Sheriff* was ever called a *Bailiff*, yet it is probable that was one of his names also; because the *County* is often called *Baliva*, a *Bailywick*. As namely, in the Return of a *Writ*, *Non est inventus in Baliva mea, &c.* *Kitchin Returns Brevium*, fol. 285. And in the *Sheriffs Oath*, the *County* is called his *Bailywick*. I think the word *Bailiff* used in *Magna Chart. cap. 28.* and *14 Edw. 3. Stat. 1. cap. 9.* compriseth as well *Sheriffs* as *Bailiffs* of Hundreds. But as the Realm is divided into Counties, so every County is again divided into Hundreds; within which, it is manifest, that in ancient time the Kings Subjects had justice ministered to them by the several Officers of every Hundred, which were called *Bailiffs*, as those Officers do in *France* and *Normandy*, being cheif Officers of Justice within every Province. *Grand Customary of Norm. cap. 1.* And it appears by *Bracton* (*lib. 3. tract. 2. cap. 34. num. 5.*) that *Bailiffs* of Hundreds might hold Plea of Appeal and Approvers. But since that time these Hundred Courts (certain franchises excepted) are by the said Statute of *14 Edw. 3.* swallowed into the County Courts, as you may read in *County and Hundred*. And now the *Bailiff* name and office is grown into such contempt, at least these *Bailiffs* of Hundreds, that they are now but bare Messengers and Mandataries within their Liberties, to serve Writs, and such vile Offices; for which see *Crompt. Just. of Peace*, fol. 49. &c. Yet is the name otherwise still in good esteem; for the cheif Magistrates in divers Corporate Towns, are called *Bailiffs*, as of *Ludlow*, *Leominster*, &c. And again, there are certain persons to whom the Kings Castles are committed, who are called *Bailiffs*, as the *Bailiff* of *Dover Castle*.

These ordinary *Bailiffs* are of two sorts, *Bailiffs Errant*, and *Bailiffs of franchises*. *Bai-*

Bailiffs Errant (*Balivi Itinerantes*) are those whom the Sheriff appoints to go up and down the County to serve Writs, Summon the County Sessions, Assizes, and such like. *Bailiffs of Franchises* (*Balivi Franchiarum aut Libertatum*) are those who are appointed by every Lord within his Liberty, to do such Offices therein, as the *Bailiff Errant* does at large in the County. Of these read Sir *Ibo. Smith de Repub. Angl. lib. 2. cap. 16.* There are also *Bailiffs of the Forest* (*Manwood, part. 1. pag. 113.*) and *Bailiffs of Husbandry*, belonging to private Men of good Estates, who are so called, because they dispose of the under servants, every Man to his labor and task, check them for misdoing their business, gather the profits to their Lord and Masters use, and deliver an account thereof at the years end, or otherwise as it shall be called for.

The Office or Duty of a *Bailiff* of a Manor, or Household (which in ancient time seems to have been all one.) *Fleta* well describes, *Lib. 2. cap. 72 & 73.* The word *Balivus* is derived from *Baal*, *i. Dominus*; *quia Balivi Dominantur suis subditis, quasi eorum Magistri & Domini.*

Bailiff of the Moot. See *Moot*.

Bale (Fr.) A Pack, or certain quantity of Merchandise; as a *Bale* of Spicery, of Books or Thread. I finde the word in the Statute *16 Rich. 2. cap. 1.* and still in use. And *Balloz* (Fr.) a little Pack.

Balenger. Seems to have been a kinde of Barge, or Water-vessel, by the Statute *28 H. 6. cap. 5.*

Baliba. Statute of *Marlbridge*, *52 Hen. 3. cap. 2.* — *Ubi Balivam habeat vel jurisdictionem.* Here *Baliva* is well expounded by the Statute it self; for in this place it signifies Jurisdiction. *Cokes 2 Inst. fol. 105.*

Balivo amobendo. Is a Writ to remove a *Bailiff* out of his Office, for want of sufficient living within his *Bailiwick*. *Reg. of Writs, fol. 78.*

Walkers or Walcozs. See *Condors*.

Ban or **Bang** (*Bannum*) from the British *Ban*, *i. Clamor*, Is a Proclamation or publick notice given of any thing. This word *Bans* we use in publishing Matrimonial Contracts in the Church, before Marriage, to the end, If any Man can speak against the intention of the parties, either in respect of Kinred, Pre-contract, or otherwise, they may take their Exception in time. And in the Canon Law, *Banna sunt Proclamaciones sponsi & sponsae in Ecclesiis fieri solite.* Yet our word *Banning* seems to come thence, being an Exclamation or Cursing. *Braffon* mentions *Bannus Regis*, for a Proclamation or Silence made by the Court, before the Congress of the Champions in a Combat, *Lib. 3. tract. 2. cap. 21.* — *In terra sue ditionis Bannum, i. Interdictum misit, quod est prohibitus, ut nullus fur vel latro effet, &c.* Hist. Norm. edit. *Anno 1619, fol. 85. b.*

Bane, (from the Sax. *bana*, A Killer or Murderer) Signifies the destruction or over-

throw of any thing; As I will be the *Bane* of him, is a common saying: And he who was the cause of another Mans drowning, is said to be *Labane, i. Malefactor.* *Braffon, l. 2. tract. 8. cap. 1.*

Baneret, (*Baneretus, Eques vexillarius, or Miles vexilliferus*) Is a Knight made in the Field, with the Ceremony of cutting off the point of his Standard, and making it a Banner, according to Sir *Ibo. Smith* in his *Repub. Angl.* Others add, That Blood must be first drawn in the Field. They are allowed to display their Arms in a *Banner* in the Kings Army, as Barons do. *Camden* in his *Eritan. fol. 109.* hath these words, *Baneretti, cum Vassalorum nomen jam deserat, a Baronibus secundi erant; quibus inditum nomen a Vexillo, Concessum illis erat Militaris virtutis ergo quadrato vexillo (perinde ac Barones) uti, unde & Equites Vexillarii a nonnullis vocantur, &c.* Some maintain a *Baneret* ought not to be made in a Civil War, but I finde in Sir *Rich. Bakers Chron. fol. 260.* That Henry the Seventh made divers *Banerets* upon the *Cornish Commotion* in the year *1495.* Of creating these Knights, read *Seagar-Norray* his Book, *Lib. 2. cap. 10.* and *Seldens Titles of Honor, fol. 799.* That they are next to *Barons* in Dignity, appears by the Statute *14 Rich. 2. c. 11.* and *5 Rich. 2. Stat. 2. cap. 4.* They were anciently called *Summons* to the Parliament. And we finde that a *Baneret*, for Praying a Pardon for a Murderer contrary to the Statute, is subject to the same punishment with a *Baron*, *13 Rich. 2. Stat. 2. cap. 1.* *Will. de la Pole* was created *Baneret* by *Edward the Third*, by Letters Patent, *Anno Regni sui 13. Memb. 13.* Those *Banerets*, who are created *sub Vexillis Regis, in exercitu Regali, in aperto bello, & ipso Rege personaliter praesente, explicatis*, take place of *Baronets*; as appears by the Letters Patent for Creation of *Baronets*. See *Cokes 4 Inst. fol. 6.*

Bank (Lat. *Bancus*, Fr. *Banque*) Hath two significations; the first, (and that most noble) is a Seat or Bench of Judgment, as *Bank le Roy*, the Kings Bench, *Bank de Common Pleas*, the Bench of Common Pleas, or the *Common Bench*, called also in Latin *Bancus Regius & Bancus Communium Placitorum*. The second is a *Bank*, where a great sum of Money is let out to use, returned by exchange, or otherwise disposed to profit, *Jus Banci*, or the Priviledge of the *Bench*, was anciently allowed only to the Kings Judges, *Qui summam administrant justitiam*; for Inferior Courts, such as Court Barons, and Hundred Courts, were not allowed that Priviledge. Since, at this day, the Hundred Court of *Freibridge*, in *Norfolk*, is held under an Oak at *Geywood*; and the Court for the Hundred of *Woolfey* in *Herefordshire*, is held under an Oak near *Ashton* in that County, which is called the *Hundred Oak*. See *Free-Bench*.

Bankrupt (*quasi Bancus ruptus*) Because when the *Bank* or Stock is broken or exhausted, the owner is said to be a *Bankrupt*, *Anno 34 Hen.*

34 Hen. 8. cap. 4. and 1 Jac. 15. He is thus described.

All and every such person and persons using, by way of Bargaining, Exchange, Barter, Chevisance, or otherwise in Gross, or by seeking his, her, or their Trade of Living by Buying and Selling, and being a Subject born of this Realm, or any the Kings Dominions, or Denizen, who at any time since the First day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep his other House or Houses, or otherwise, to absent him or herself, or take Sanctuary or suffer him or herself willingly to be arrested for any debt or other thing, not grown or due, for Money delivered, Wares sold, or any other just or lawful cause, or good consideration or purposes, or hath or will suffer him or herself to be outlawed, or yield him or herself to prison; or willingly, or fraudulently hath, or shall procure him or herself to be arrested, or his or her Goods, Money, or Chattels to be attached, or sequestred, or depart from his or her Dwelling-house, or make or cause to be made any Fraudulent Grant, or Conveyance of his, her, or their Lands, Tenements, Goods, or Chattels, to the intent, or whereby his, her, or their Creditors, being Subjects born, as aforesaid, shall, or may be defeated or delayed for the recovery of their just and true Debt; or being Arrested for Debt, shall, after his or her Arrest, lie in Prison Six Moneths, or more, upon that Arrest, or any other Arrest or Detention in Prison for Debt, and lie in Prison Six Moneths upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt to all intents and purposes.

But by Act 14 Car. 2. cap. 23. it is provided, That no person whatsoever, who shall adventure in the East-India, or Guiney Company, or in the Royal Fish Trade, shall be esteemed a Merchant or Trader within any Statute for Bankrupts, or liable to the same.

Bannum et Banleuga, A Territory, Pre-cinct, or the utmost Bounds of a Manor or Town; so it is used 47 Hen. 3. Rot. 44. *Carita Canuti Regis Cenobio Thorneia—Notum facio, me eleemosinam nostram Christo concessisse & omnibus Sandis suis—viz. prim' terram illam à Twiwella usque Thorney, ubi Bannum nostrum cessat.*

Banishment (Fr. *Bannissement*) Hath a known signification; but there are two kindes of it, one voluntary and upon Oath, whereof you may read *Abjuration*; the other upon compulsion for some offence or crime; as if a Layman succor him, who, having taken Sanctuary for an offence, obstinately refuses to abjure the Realm, he shall lose his life, if a Clerk do so, he shall be banished. *Stamf. Pl. Cor. fol. 117.*

Baratoz. See *Bavator*.

Baroican (*Barbicanum*) A Watch-Tower, Bulwark, or Breast-work. *Mandatum est Johanni de Kilmington Custodi Castri Regis & Honoris de Pickering, quoddam Barbicanum ante portam*

Castri Regis predicti muro lapideo, & in eodem Barbicano quandam portam cum ponte versutile, &c. de novo facere, &c. T. Rege, 10. Aug. Claus. 17 Edw. 2. m. 39.

Barcaria or **Barcarium**, A Sheep-coat, and sometimes a Sheep-walk. *M. S. de Placit. Ed. 2. See Bercaria.*

Barde alias Beard. See *Clack*.

Bargain and Sale, Is properly a Contract made of Mannors, Lands, and other things, transferring the property thereof from the Bargainer to the Bargainee, which ought to be in consideration of Money; it is a good Contract for Land, &c. and the Fee pasleth, though it be not laid in the Deed (*To have and to hold, to him and his heirs,*) and though there be no Livery and Seisin given by the Vendor; so it be by Deed indented, sealed, and enrolled, either in the County where the Land lies, or in one of the Kings Courts of Record at Westminster, within six moneths after the date of the Deed. 27 Hen. 8. cap. 16. Such *Bargain and Sale* may also be made by Lease and Release, without either Livery or Enrolment.

Barkary (*barkaria, corticulus*) A Tan-house, Heath-houle, or House to keep Bark in. *New Book of Entries, tit. Affise corp. Polit. 2.*

Baron (*baro*) Hath divers significations. First it is a degree of Nobility next a Viscount. *Braffton (Lib. 1. cap. 8. numb. 4.)* says, *Sunt & alii Potentes sub Rege, qui dicuntur Barones, quasi, robur belli.* In which signification it agrees with other Nations, where *Baronia* are as much as *Provincia*. So as *Barons* are such as have the Government of Provinces, as their Fee holden of the King, some having greater, some lesser authority within their Territories. Yet it is probable, that of old here in *England*, all those were called *Barons* that had such Seignories or Lordships, as we now call *Court Barons*, who are at this day called *Seigneurs* in *France*: And the Learned in our Antiquities, have informed us, That not long after the Conquest, all such came to the Parliament, and sat as Peers in the Lords House. But when by experience it appeared, that the Parliament was too much thronged with such multitudes, it was in the Reign of King *John* ordained, That none but the *Barones Majores* should for their extraordinary wisdom, interest, or quality, be summoned to Parliament. After that, again Men seeing this estate of Nobility to be but casual, and depend meerly upon the Princes pleasure, they sought a more certain hold, and obtained of the King Letters Patent of this Dignity, to them, and their Heirs-male; who were called *Barons by Letters Patent*, or by Creation, whose posterity are now by inheritance, and true descent of Nobility, those *Barons* that are called Lords of the Parliament, of which kinde, the King may create at his pleasure.

Nevertheless, there are yet *Barons by Writ*, as well as *Barons by Letters Patent*. Those *Barons* who were first by Writ, may now justly also be called *Barons by Prescription*, for that they

they and their Ancestors have continued Barons, beyond the Memory of Man. The original of *Barons by Writ*, *Camden* (in his *Britan.* pag. 109.) refers to *Henry the Third.* *Barons by Letters Patent, or Creation* commenced 11 Rich. 2. The manner of whose Creation read in *Seldens titles of Honor*, fol. 687. *Ferns Glory of Generosity*, pag. 125, 126. To these Seager (lib. 4. cap. 13. *Of Honor, Civil, and Military*) adds a third kinde of Baron, calling them *Barons by Tenure*, which are some of our Ancient Barons, and likewise the Bishops, who, by vertue of Baronies annexed to their Bishopricks, always had place in the Lords House of Parliament, and are termed *Lords Spiritual.*

Baron in the next signification, is an Officer, as *Barons of the Exchequer*, of whom, the principal is called *Lord chief Baron* (*Capitalis Baro,*) and the three other are his Assitants in Causes of Justice, between the King and his Subjects, touching matters appertaining to the *Exchequer*, and the Kings Revenue. The *Lord Cheif Baron*, is the cheif Judge of the Court, and in Matter of Law, Information and Pleas answers the Bar, and gives order for Judgment thereupon. He alone in the Term time sits upon *Nisi prius*, that come out of the *Kings Remembrancers Office*, or out of the Office of the Clerk of the Pleas, which cannot be dispatched in the mornings for want of time. He takes Recognizances for the Kings Debts, for appearances and observing orders. He takes the presentation of all the Officers in Court under himself, and of the Lord Major of *London*, and sees the *Kings Remembrancer* give them their Oaths. He takes the Declaration of certain Receivers accompts of the Lands of the late Augmentation made before him, by the Auditors. He gives the two *Parcel-makers* places by virtue of his Office.

The *second Baron*, in the absence of the Lord chief Baron, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major of *London*, for the true accompt of the profits of his Office. He takes certain Receivers accompts, and examines the Letters and Sums of such Sheriffs Forein Accompts; as also the Accompts of Escheators and Collectors of Subsidies and Taxes, as are brought him by the Auditor of the Court.

The *third Baron*, in the absence of the other two, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major and *Gawger* of *London* for his true accompting. He also takes certain Receivers Accompts, and examines the Letters and Sums of such of the former Accompts, as are brought unto him.

The *fourth Baron*, is always a Cursitor of the Court; at the days prefixed, he takes Oath of all High Sheriffs, and their Under Sheriffs, Bailiffs, and other Accomptants, for their true accompting. He takes the Oath of all Collectors, Comptrollers, Surveyors, and Searchers of the Custom-houses, that they have made true Entrances in their Books. He apposeth all Sheriffs upon their Summons of the Pipe in open Court;

and informs the rest of the *Barons* of the Course of the Court, in any Matter that concerns the Kings Prerogative. He likewise examines such Accompts as are brought to him.

These *Barons of the Exchequer* are ancient Officers; for I finde them named in *Westm.* 2. cap. 11. *Anno 13 Edw. 1.* and they are called *Barons*, because *Barons* of the Realm were wont to be employed in that Office. *Fleta*, lib. 2. cap. 24. Their Office is to look to the Accompts of the Prince, and to that end, they have *Auditors* under them; as also to decide all Causes appertaining to the Kings Revenue, coming into the *Exchequer* by any means; as in part is proved by the Statutes of 20 *Edw. 3.* cap. 2. and 27 *ejusdem*, *Stat. 2. cap. 18.* 5 *Rich. 2.* *Stat. 1. cap. 9.* and 13 & 14 *ejusdem*, *cap. 11.* Whercupon they have been of late persons learned in the Laws, whereas in ancient time they were *Majores & Discretiores in Regno, sive de Clero essent, sive de Curia.*

There are also *Barons* of the *Cinque Ports*, *Anno 31 Edw. 3. Stat. 2. cap. 2.* and 33 *Hen. 8. cap. 10.* which are two in every of these Towns, *Hastings, Winchelsea, Rye, Romney, Hite, Dover, and Sandwich*, who have places in the Commons House of Parliament. See *Seldens Titles of Honor at large*, fol. 687. & seq.

Baron in the third signification, is used for the Husband in relation to his Wife.

The cheif Magistrates of *London* were also called *Barons*, before there was a Lord Major, as appears by the City Seal, as also by their ancient Charters — *Henricus (3) Rex. Sciatiss nos concessisse & hac praestanti Carta nostra confirmasse Baronibus nostris de Civitate nostra London. quod elegant sibi Mayer de scipis singulis annis, &c.* See *Spelmans Gloss.* at large upon this word.

Baronet (*Baronettus*) Is a dignity or degree of Honor which hath precedence before all *Banerets*, *Knights of the Bath*, and *Knights-Batchelors*, except such *Banerets* as are made *Sub vexillis Regis, in exercitu Regali, in aperto bello & ipsi Rege personaliter praesente.*

This Order of *Baronets*, King *James* created in the year 1611. with such precedence as aforesaid, and other priviledges, &c. as may appear in *Rot. Pat. 10 Jac. part. 10. m. 8. & 14 Jac. par. 2. m. 24.* with an *Habendum sibi & Hereditibus masculis, &c.* See *Baneret.* Where *Baronets* are mentioned in our old Statutes and ancient Authors, it is mistaken for *Banerets*, 2 *Inst. fol. 667.* And *Seldens Titles of Honor*, fol. 736.

Barony (*Baronia*) Is the Dignity, Territory, and Fee of a *Baron*; under which nation, are comprehended not only the Fees and Lands of *Temporal Barons*, but of Bishops also, who have two estates, one as they are Spiritual Men, by reason of their Spiritual Revenues and Promotions, as was the Tribe of *Levi* among the *Israelites*. The other grew from the bounty of our English Kings, whereby they have *Baronies*, and Lands so called, and are thereby *Barons* or *Lords of Parliament*.

This Barony (as Bratton says, *Lib. 2. cap. 34.*) Is a right indivisible; and therefore, if an Inheritance be to be divided among Coparceners, though some capital Messuages may be divided, yet, *Si capitale Messuagium sit caput Comitatus, vel caput Baroniz, they may not be parcelled.* The reason is, *Nec sic caput per plurimes particulas dividatur, & plura jura Comitatum & Baroniarium devenant ad nibilum, per quod deficit regnum, quod ex Comitatus & Baronis dicuntur esse constitutum.* The Mannor of Burford in the County of Salop, was found by Inquisition, *c. 40 Edw. 3.* *Teneri de Rege ad inveniendos 5 homines pro Exercitu Wallie, & per servitium Baroniz,* and the Lord thereof (Sir Gilbert Cornwall) is called Baron of Burford; but is no Baron of Parliament.

Barrator or Barater (Fr. *Barateur, i. a Deceiver*) Is a common mover or maintainer of Suits, Quarrels, or Parts, either in Courts or elsewhere in the Country, and is himself never quiet, but at variance with one or other. *Qui cum Ierentiano Davo omnia perturbat.* To this purpose read *Lamb. Eiren.* pag. 342. who says also, That *Barrettor* (for so he writes it) may come from the Latin *Baratro* or *Balatro*, a vile Knave, or Unthrift; and by a Metaphor, a Spot in a Commonwealth. See the Statute of *Champerty*, *33 Edw. 1. Stat. 2.* and *Westm. 1. cap. 32.* *Skene*, in the word *Barraty*, says, That *Barrators* are Symonists, so called of the Italian word *Barrataria*, signifying Corruption or Bribery in a Judge, giving a false sentence for Money; whom you may read more at large, as also *Hortensius Cavalcanus*, in his *Tract. de Brachio Regio, parte 5. num. 66.*

Barraster (*Barrastrus, Repugnaris Causidicus.*) See *Utter-Barraster.*

Barre (Fr. *Barriere or Barre*) Signifies legally a destruction for ever, or taking away for a time the action of him that hath right; and it is called a *Plea in Bar*, when such a Bar is pleaded. *Coke on Littl.* fol. 372. *Plowden, in Collybirs Case,* fol. 26 & 28. And *Brook, tit. Barre, num. 101.* and *5 Hen. 7. fol. 29.*

This word is also used for a Material *Bar*, as the place where Serjeants at Law or Counsellors stand to plead Causes in Court, or Prisoners to answer their Indictments; whence our Lawyers, who are called to the *Bar*, or Licensed to plead (in other Countreys called *Licentiati*) are termed *Barristers*, *24 Hen. 8. cap. 24.* See *Blank-bar.*

Bar Fee, Is a Fee of xx d, which every Prisoner, acquitted of Felony, pays to the Gaoler, *Crompt. Just. of Peace, fol. 158.*

Barrel, Is a Measure of Wine, Oyl, &c. containing the eighth part of a Tun, the fourth of a Pipe, and the moyety of a Hogshead; that is, Thirty one Gallons, and a half, *Anno 1 Rich. 3. cap. 13.* But the quantity of this Vessel seems to differ according to the Liquor; for a *Barrel* of Beer contains Thirty six Gallons, the Kilderkin Eighteen, and the Firkin Nine. A Barrel of Ale Thirty two Gallons, the Kilderkin Sixteen, and the Firkin Eight.

Anno 23 Hen. 8. cap. 4. and *12 Car. 2. cap. 23.* — The laid Assise of 32 Gallons of Wine-measure, which is about 28 Gallons of old Standard, well packed, and containing in every Barrel usually, a thousand full Herring-s, at least, is, and shall be taken for good, true, and lawfull Assise of Herring barrels. *Anno 13 Eliz. cap. 11.*

Barriers (Fr. *Barrières*) Signifies with us, that which the French call (*Feu de Barres, i. Palafraam*) A Martial Exercise of Men, armed and fighting together with short Swords, within certain Bars or Rails, whereby they are severed from the Beholders; now disused.

Barter (from the Span. *Baratar, i. To sell cheap, or to deceive or cheat in Bargaining*) Signifies with us to exchange one commodity for another, to truck Wares for Wares. *Anno 1 Rich. 3. cap. 9.* And so *Bartry* the Substantive. *13 Eliz. cap. 7.* The reason may be, because they that chop and change in this manner, do endeavor for the most part, one to over-reach, or deceive the other. See *Barrator.*

Barton, In *Devonshire*, and the West of England. Is used for the Demesn Lands of a Mannor; for the Mannor-house it self; and in some places for Out-houses, and Fold-yards. In the Statute *2 & 3 Edw. 6. cap. 12.* *Barton Lands and Demesn Lands* are used as *Synonyms*. See *Berton.*

Base Court, (Fr. *Cour Basse*) Is any Court, not of Record, as the *Court Baron*. Of this read *Kitchin, fol. 95, 96, &c.*

Base Fee. See *Baſe Eſtate.*

Base Estate (Fr. *Bas Eſtate*) Signifies, that Estate which *Base Tenants* have in their Lands. *Base Tenants* are those (according to *Lamb. verbo, Paganus*) who perform inferior *Villanous* service to their Lords. *Kitchin, fol. 41.* makes *Base-tenure* and *Frank-tenure* to be contraries, and puts *Copiholders* in the number of *Base Tenants*; whence it may be gathered, that every *Base Tenant* holds at the will of the Lord, yet that there is a difference between a *Base Estate* and *Villenage*; which *Fitzherbert in his Nas. Br. fol. 12.* seems to confound. For to hold in pure *Villenage*, is to do all that the Lord will command him. So that if a *Copiholder* have but *Base Eſtate*, he, not holding by the performance of every Commandment of his Lord, cannot be said to hold in *Villenage*. Whether it may be said, That *Copiholders* are, by custom and continuance of time, grown out of that extream servitude, wherein they were first created, I leave to others of better Judgment, since *Fitzb. (loco citato)* says, *Tenure by Copy* is but of late time.

Bafels (Bafelli) A sort of Coyn, abolished by *Hen. 2. Anno 1158.* This year the King altered his Coyn, abrogating certain pieces called *Bafels*. *Holinsh. pag. 67.*

Baselard or Basillard, In the Stat. *12 R. 2. cap. 6.* signifies a Weapon; which Mr. Speight, in his *Exposition upon Chaucer*, calls *Pugionem vel sciam.*

Bastard (Bastardus, from the British Baſtarðd,

bastard., i. *notbus,*) Is he or she that is born of any Woman not married, so that the Childe's Father is not known by the order of Law, and therefore is called *Filius Populi*.

Cui pater est populus, pater est sibi nullus & omnis:

Cui pater est populus, non habet ipse patrem.

Such *Bastard*, cannot inherit Land as Heir to his Father, nor can any person inherit Land as Heir to him, but one that is Heir of his Body. *Littl. Sch. 401.*

If the Childe be begotten by him that does marry her after the Childe's Birth, yet it is in Judgment of Law, a *Bastard*, though the Church holds it legitimate. *Stat. 20 Hen. 3. 9.* and *1 Hen. 6. 3.* *Coke on Littl. 244.*

If a Man take a Wife, who is great with Childe by another, who was not her Husband, it shall be said the Childe, and may be the Heir of the Husband, though it were born but one day after the Espousals solemnized.

If one marry a Woman, and die before night, and never bed her, and she have a Childe after, it seems it shall be accounted his Childe, and legitimate. See the *English Lawyer*, 117.

If a Man or Woman marry a second Wife or Husband, the first being living, and have issue by that second Wife or Husband, such issue is a *Bastard*. *39 Edw. 3. 14.* *7 Hen. 4. 49.* *18 Edw. 4. 26.*

If a Woman elope with a Stranger, and hath a Childe by him, her Husband being *infra quatuor maria*, this is legitimate, and shall inherit the Husband's Land. *44 Edw. 3. 10.* *7 Hen. 4. 10.*

The punishment of the Mother and reputed Father of a *Bastard*. *Anno 18 Eliz. cap. 3.*

He that gets a *Bastard* in the Hundred of Middleton, in Com. Kent, forfeits all his Goods and Chattels to the King. *M S. de temp. Edw. 3.* Before the Statute *2 & 3 Edw. 6. cap. 21.* one was adjudged a *Bastard*, *Quia filius Sacerdotis. Int. Plac. de temp. Job. Reg. Lincoln. 42.*

Bastardy (Fr. *Bastardage*) Signifies a defect of Birth, objected to one born out of Wedlock. *Bratton. lib. 5. cap. 19.* How *Bastardy* is to be proved, or to be enquired into, if it be pleaded. See *Bastards Entries*, iii. *Bastardy*, fol. 104. And the Stat. *9 Hen. 6. cap. 11. Kitchin*, fol. 64. mentions *Bastardy Special*, and *Bastardy General*. The difference whereof is, That *Bastardy General* is a Certificate from the Bishop of the Diocess to the Kings Justices, after such enquiry made, that the party enquired of, is a *Bastard*, or not a *Bastard*, upon some question of Inheritance. *Bastardy Special* is a Suit commenced in the Kings Court, against him that calls another *Bastard*; so termed, because *Bastardy* is the principal case in tryal, and no inheritance contended for. Whereby it appears, that in both these significations, *Bastardy* is rather taken for an examination or tryal, whether a Mans Birth be defective or illegitimate, than for *Bastardy* it self. See *Brook tit. Bastards*, and *Dr. Ridleys Book*, pag. 203, 204.

Baseton (Fr.) A Staff, Club, or Cowlstaff. But in our Statutes it signifies one of the Wardens of the Fleets Servants or Officers, who attends the Kings Courts with a Red Staff, for taking such to Ward as are committed by the Court. *Anno 1 Rich. 2. cap. 12.* *5 Eliz. cap. 23.* See *Tiffstaff*.

Batable Ground, Was the Land lying between England and Scotland, heretofore in question, when they were distinct Kingdoms, to which it belonged, *Anno 23 Hen. 8. cap. 6.* and *32 Ejusdem. cap. 6.* As if we should say, *Litigious or Debatable Ground*; for by that name *Skene* calls Ground that is in Debate or Controversie betwixt two. *Cam. Brit. tit. Cum-berland.*

Battel (Fr. *Battaile*) Signifies a Tryal by Combat: The manner whereof, being long, full of Ceremonies, and now disused, we must refer you to *Glanville. lib. 2. cap. 3, 4, 5. Bratton. lib. 3. tract. 2. cap. 21. fol. 140. Britton. cap. 22. Smith de Rep. Angl. lib. 2. cap. 7. and lib. 3. c. 3. Coke on Littl. fol. 294.* And on *Westm. 1. fol. 247.* See *Combat*.

Battery (from the Fr. *Batre*, i. to strike, or Sax. *batte*, i. *fuslin*) Is a violent striking, or beating a Man; who (in regard it tends to the breach of the Peace) may therefore either indict the other party, (whereby he is Fineable to the King) or have his Action of *Trespass*, of *Assault* and *Battery*, against him, (for every *Battery* implies an *Assault*) and recover so much in Costs and Damages, as the Jury will give him, which Action will lie as well before as after the Indictment. But if the Plaintiff made the first assault, then the Defendant shall be quit, and the Plaintiff shall be amerced to the King for his false Suit. In some Case a Man may justify the beating another in a moderate manner, as the Parent his Childe, the Master his Servant or Apprentice, &c. This the *Civilians* call *Injuriam personalem*.

Batus (Sax. *bat*) A Boat. And *Batellus*, a little Boat. —*Concessit etiam idem Hugo Wake pro se & Hered suis, quod prædictus Abbas & Successores sui & Ecclesia sua de Croyland habeant tres Batellos in Harnolt, &c. Charta. Edw. 1. 20 Julii. 18 Regni. See *Liberia Batella*.*

Bay or **Pen**, Is a Pond-head made up of a great height to keep in store of Water; so that the Wheels of the Furnace or Hammer belonging to an Iron Mill, may be driven by the Water coming thence, through a Passage or Flood-gate, called the *Penstock*. Also, a Harbor where Ships ride at Sea near some Port. The word is mentioned *Anno 27 Eliz. cap. 19.*

Beacon (from the Sax. *Beacen*, i. *signum, vel symbolum*) *Anno 8 Eliz. cap. 13.* is well known. Hence *Beaconage*, Money paid towards the maintenance of a *Beacon*; and we still use the word to *becken*, from the Saxon *beacnian*, to nod unto, or signifie. See the Statute *5 Hen. 4.* And *Dorf. Pat. 28 Hen. 6. par. 2. m. 21. Pro signis Anglie Beacones & Vigiliis.*

Bede or **Bead** (Sax. *Bead*, a Prayer;) so that to say *Ones Beads*, is to say *Ones Prayers*.

They

They were most in use before Printing, when poor people could not go to the charge of a Manuscript Prayer-Book. These are mentioned in 27 Hen. 8. cap. 26. and 3 Jac. cap. 5.

Bearding alias Barding of Wool. See *Clack*.

Bearors — Justices of Assize shall enquire, bear, and determine of **Haintepnozs**, Bearors, and Conspirators, and of those that commit **Champarti**, &c. Anno 4 Edw. 3. cap. 11. such as bear down or oppres others; maintainers.

Beasts of Chase (*Ferae Campestres*) Are five; the Buck, the Doe, the Fox, Martron and Roc. *Manwood*, 1 Part. pag. 342. and 2 Part. cap. 4. num. 2.

Beasts of the Forest (*Ferae Sylvestres*) Are the Hart, Hind, Hare, Boar, and Woolf. *Manwood*, part. 2. cap. 4. num. 1.

Beasts and Fowls of Warren, Are the Hare, Coney, Pheasant, and Partridge. *Manw.* part. 2. cap. 4. num. 3.

Beastials. See *Bestials*.

Beau-pleader (Fr. Beau-plaider, i. To plead fairly) Is a Writ upon the Statute of *Marlbridge*, 52 Hen. 3. cap. 11. whereby it is provided, That neither in the Circuit of Justices, nor in Counties, Hundreds, nor Courts Baron, any Fines shall be taken of any Man for Fair pleading, that is, for not pleading fairly or aptly to the purpose; upon which Statute, This Writ was ordained against those that violate the Law herein. See *Fitz. Nat. Br.* fol. 270. whose Definition is to this effect. The Writ upon the Statute of *Marlbridge* for not Fair Pleading lies where the Sheriff, or other Bailiff in his Court, takes Fine of the Party, Plaintiff, or Defendant; for that he pleads not fairly, &c. And it was as well in respect of the Vicious Pleading, as of the Fair Pleading by way of amendment. 2 Part. Inst. fol. 122.

Bedel (*Bedellus*, Sax. *bybel*) A Cryer or Messenger of a Court, the Keeper of a Prison or House of Correction, an under Bailiff of a Mannor. *Manwood*, par. 1. fol. 221. says, A Beadle is an Officer or Servant of the Forest, who makes all manner of Garnishments of the Courts of the Forest, and all Proclamations, as well within the Courts, as without, and executes all the processses of the Forest; he is like a Bailiff Errant of a Sheriff in a County. *Edgarus interdicit omnibus ministris suis, id est, Vicecomitibus, Bedellis, & Balivis in Patria Gvivororum — Ne introcant fines & limites dicti Marisci, Ingulphus Hist. Croyl.*

Bedelary, Is the same to a *Bedel*, as *Bailiwick* to a *Bailiff*. *Littl. lib. 3. cap. 5.*

Bederepe alias Widrepe (Sax.) Is a service, which some Tenants were anciently bound to perform, viz. To reape their Land-lords Corn at Harvest, as some yet are tied to give them one, two, or three days work, when they are called — *Debent venire in Antumpno ad precariam qua vocatur a le Bederepe*. *Pla. in Craft. Pur. 10 Hen. 3. Rot. 8.*

Benefice (*beneficium*) Is generally taken

for any Ecclesiastical Living, or Promotion, be it Dignity, or other; As *Anno 13 Rich. 2. Stat. 2. cap. 2.* where Benefices are divided into Elective and Donative. So is it used in the Canon Law. *Duarenus de Beneficiis*, 1.2 cap. 3.

Beneficio primo Ecclesiastico habendo, Is a Writ directed from the King to the Chancellor, to bestow the Benefice that shall first fall in the Kings gift, above or under such a value, upon this or that Man. *Reg. of Writs*, fol. 307. b.

Benerth, Was a Service which the Tenant rendered to his Lord with his Plough and Cart. *Lamb. Itin. pag. 212.* and *Coke on Littl. fol. 86. a.*

Benevolence (*Benevolentia*, favor, good will) Is used both in the Chronicles and Statutes of this Realm, for a voluntary gratuity given by the Subjects to the King. *Sivers Annals*, pag. 701. By the Statute of 1 Rich. 3. cap. 2. it is called *New Imposition*. But *Stow*, pag. 791. saith, That the invention grew from Edward the Fourths days; you may finde it also (*Anno 11 Hen. 7. cap. 10.*) to be yielded to that worthy Prince, in regard of his great expences in Wars, and otherwise. See *Cokes 12 Rep. fol. 119, 120.* It is in other Nations called *Subsidium charitativum*, given sometimes to Lords of the Fee by their Tenants, sometimes to Bishops by their Clergy. *Caffan. de consuet. Burg. pag. 134, 136.* By Act of Parliament, 13 Car. 2. cap. 4. it was also given to His Majesty that now is, King Charles the Second.

Bercaria (from the Fr. *Bergerie*) A Sheep-coat or Sheepfold. In *Doomsday* it is called *Berquarium*. 2 Part. *Cokes Inst. fol. 476.* — *Dedi sexaginta acres terra, ad unam Bercariam faciendam* — *Mon. Angl. 2. p. fol. 599. a.* where it seems to signify a *Sheep-walk*.

Berghmapster (from the Sax. *beng. Mons, quafi*, Master of the Mountain.) A Bailiff or cheif Officer among our *Derbifhre Miners*, who, among other parts of his Office, does also execute that of Coroner among them. — *Furatores dicunt, quod in principio quando Mineratores veniunt in campum minera querentes, inventa minera, venient ad Balivum qui dicitur Berghmapster, & petent ab eo duas Metas, si sit in novo campo, & habebunt unam, scil. pro inventione, & aliam de jure Mineratorum, & unaquaque meta continet quatuor Perticatas, & ad forcam suam septem pedes, & unaquaque Perticata erit de 24 pedibus*, &c. Efc. de Anno 16 Edw. 1. num. 34. In *Turr. Lond.* See *Bergh-moth*.

Bergmooth or Bergmote. — *Furatores dicunt etiam quod r. lacita del Bergmooth debent teneri de tribus septimanis in tres septimanas super mineralam in Pecco. Efc. 16 Edw. 1. ut supra.* This *Bergmooth* or *Berghmote*, comes from the Saxon *beng*, i. Mons and mote or *Gemote*, conuentus: *Quasi*, the Court held upon a Hill, for deciding Pleas and Controversies among the *Derbifhre Miners*; of which, thus Mr. *Manlove*, in his ingenious Treatise of their Customs.

—And Sute for Oar must be in Berghmote Court,
 3 Edw. 6. Thither for Justice Miners must resort :
 Art. 9. If they such Sutes in other Courts commence,
 3 & 4 Phil. & They lose their due Oar-debt, for such offence ;
 Ma. Art. 16. And must pay Costs ; because they did proceed
 Against their Custom : Miners all take heed.
 3 Edw. 6. No Man may sell his Grove, that's in contest,
 Art. 20. Till Sute be ended ; after the Arrest
 3 & 4 Phil. & The Sellers Grove is lost by such offence,
 Ma. Art. 26. The Buyer fined, for such Maintenance.
 16 Edw. 1.c. 2. And two great Courts of Berghmote ought to be
 3 Edw. 6. Art. In every year, upon the Minery,
 10. To punish Miners that transgres the Law,
 3 & 4 Phil. & To curb Offenders, and to keep in awe
 Ma. Art. 19, Such as be Cavers, or do rob Mens Coes ;
 30 & 33. Such as be Pilferers, or do steal Mens Stows ;
 To order Grovers, make them pay their part,
 Join with their Fellows, or their Groves desert ;
 To fine such Miners, as Mens Groves abuse,
 And such an Orders to observe refuse ;
 3 & 4 Phil. & Or work their Meers beyond their length and Stake ;
 Ma. Art. 31. Or otherwise abuse the Mine and Rake ;
 Or set their Stows upon their Neighbors Ground,
 Against the Custom, or exceed their Bound :
 Ibid. Art. 4, 5. Or Purchasers, that Miners from their way
 To their Walk-troughs do either stop or stay ;
 Or dig or delve in any Mans Bing-place ;
 Or do his Stows throw off, break, or deface ;
 26 Edw. 1. To fine Offenders, that do break the Peace,
 cap. 2. Or shed Mans Blood, or any Tumults raise ;
 3 & 4 Phil. & Or Weapons bear upon the Mine or Rake ;
 Ma. Art. 28. Or that Possession forcibly do take ;
 Or that disturb the Court, the Court may fine
 For their Contemps (by Custom of the Mine)
 And likewise such as dispossessed be,
 And yet set Stows against Authority ;
 Or open leave their Shafts, or Groves, or Holes,
 By which Men lose their Cattle, Sheep, or Soles.
 And to lay Pains, that grievance be redres'd,
 To ease the Burdens of Poor-men oppres'd.
 To swear Berghmaysters, that they faithfully
 Perform their Duties on the Minery ;
 And make Arrests, and eke impartially
 Impanel Jurors, Causes for to try ;
 And see that Right be done from time to time
 Both to the Lord, and Farmers, on the Mine.

Bernet, (Incendium, from the Sax. *bypnan*, to burn) Is one of those crimes, which, by Henry the First's Laws, cap. 13. Emendari non possunt. See Opentheff.

Berg or **Bury** (from the Sax. *Byl*, i. *Habitatio*) A dwelling place, a Mansion-house or Court, a cheif Farm. The cheif House of a Mannor, or the Lords Seat is still so called in some parts of England ; as in Herefordshire there are the *Beries* of Stockton, Lufton, Hope, &c. Anciently also used for a Sanctuary.

Berton (Bertona, a Sax. *bepe*, *bordeum*, & *ton*, *villa*) Est area in aera parte adiunctum ruralium primariarum, in qua borrea, stabula & vilioris officii adiuncta sita sunt, & in qua foventur domesticæ animalia & negotiaciones rusticae peraguntur. —Rex Ihesaurario & Baronibus suis de Scaccario salutem. Quia volumus quod Castrum

nostrum Glocestriae, nec non & Tina & Bertona Gloc. corpori dicti Comitatus nostri Gloc. non extantur, &c. Clauf. 32 Edw. 1. m. 17.

Bertwica, A Hamlet, or Village appertaining to some Town or Mannor ; often found in Doomsday ; from the Sax. *bepepica*, a Corn-Farm, or Villa frumentaria. *Mancium minus ad manu pertinens ; non in gremio Mancii, sed vel in confinio vel dis-junctius interdum situm est.* Spel.

Wesaille (Fr. *Bisageul*, i. The Father of the Grand-father) Signifies a Writ that lies where the Great Grand-father was seised of any Lands or Tenements in Fee-simple, the day he died ; and after his death, a stranger abates or enters the same day uppon him, and keeps out his Heir, &c. The form and further use of this Writ, read in Fitz. Nat. Br. fol. 221.

Besta,

Besca, A Spade, or Shovel : (From the Fr. *bescer*, to Dig or Delve) — In *communi pastura turbae, cum una sola besca, fadient & nibil dabunt*. Prior. Lew. Custmar. d: Heciam. pa. 15. Hence perhaps — *Una bescata terra inclusa* — (Mon. Angl. p. 2. fol. 642, a.) may signify a peice of Land usually digged, such as Gardiners sow Roots in.

Bestials (Fr. *Bestials*, i. Beasts or Cattle of any sort) *Anno 4 Edw. 3 cap. 3.* It is written *Bestail*; and is generally and properly used for all kinde of Cattle. Mentioned also in *12 Car. 2. cap. 4.*

Bidle or **Bid-all**; **Precaris potaria** (from the Sax. *biddan*, i. To pray or supplicate) Is the invitation of Friends to drink *Ale* at the House of some poor Man, who thereby hopes a charitable contribution for his relief; still in use in the West of England, and falsly written *Bildale* in some Copies of *Braffton*, lib. 4. cap. 1. num. ult. And mentioned *26 Hen. 3. cap. 6.* See *Sothale*.

Bidding of the Brads (*Anno 27 Hen. 8. cap. 26.*) Was anciently an invitation or notice given by the Parish Priest to his Parishioners at some special times to come to Prayers, either for the Soul of some Friend departed, or upon some other particular occasion. And, to this day our Ministers do usually, on the Sunday precedent, *bid* such Festivals, as happen in the week following, *Holidays*; that is, desire or invite their Parishioners to observe them. *Bidding* comes from the Sax. *biddan*, i. To desire or intreat; and *Bead*, in that language, signifies a Prayer.

Bidripe (*Bidripa*) See *Bederepe*

Biga, Properly a Cart, or Chariot, drawn with two Horses coupled side to side; but, in our ancient Records, it is used for any Cart, Wain, or Waggon — *Et quod eant cum Bigis & carvis & ceteris falleris super tene- mentum suum, &c.* *2 Mon. Angl. fol. 256. b.*

Bigamus, Is he that hath married two or more Wives, or a Widdow, as appears in the Statutes, *18 Edw. 3. cap. 2.* and *1 Edw. 6. cap. 12. 2 Part. Cokes Inst. fol. 273.*

Bigamy, (*Bigamia*) Signifies a double marriage or the marriage of two Wives; it is used for an impediment to be a Clerk, *Anno 4 Edw. 1. 5.* Upon those words of S. Paul to *Timothy*, Chap. 5. 2. (*Oportet ergo Episcopum irreprohibibilem esse & unius uxoris virum.*) Upon which, the Canonists founded that Doctrine; That he that hath married a Widow, is by their interpretation, taken to have been twice married. And both these, they not onely exclude from holy Orders, but deny them all Priviledges that belong to Clerks. But this Law is abolished by *1 Edw. 6. cap. 12.* and *18 Eliz. cap. 7.* Which allow to all Men that can read as Clerks, though not within Orders, the benefit of Clergy, in case of Felony nor especially excepted by some other Statute. *Brook, iii. Clergy.*

Bilanctis deferendis, Is a Writ directed to a Corporation, for the carrying of Weights

to such a Haven, there to weigh the Wools that such a Man is licenced to transport. *Reg. of Writs, fol. 270. a.*

Bilawes or rather **Bylawes** (from the Gothish *Byg*, *pagus* and *lagen*, *Lex*; or from the Sax. *Bilage*, i. *Leges obiter & pro re nata condite*) are particular Orders made in Court Leets or Court Barons by common assent of the Resiants, for the good of those that make them, in some particular Cases, whereto the Publick Law does not extend. *Coke, Vol. 6. fol. 63. Kitchin, fol. 45 & 79.* In Scotland they are called *Laws of Burlaw* or *Birlaw*, which are made and determined by consent of Neighbors, elected by common consent in the *Birlaw Courts*, wherein Knowledge is taken of Complaints betwixt Neighbor and Neighbor; which men, so chosen are Judges and Arbitrators to the effect aforesaid, and are called *Birlaw-men*. For *Wator* or *Watorman* in Dutch, is *Ruficrus*, and so *Birlaw* or *Burlaw*, *Leges Rusticorum. Skene.* By Stat. *14 Car. 2. cap. 5.* the Wardens and Assistants for making and regulating the Trade of Norwich Staffs, are impowered to make *By-Laws*, &c. *Anno 20 Car. 2. cap. 4.*

Bilinguis, Signifies in the generality a double-tongued Man, or one that can speak two Languages; yet it is used for that Jury which passeth in any Case, betwixt an Englishman and an Alien, whereof part must be Englishmen, and part strangers. *Anno 28 Edw. 3. cap. 13.*

Bill (*Billa*) Is diversly used: First, it is a security for Money under the Hand and Seal of the Debtor, and is without condition or forfeiture for non-payment. 2. *Bill* is a Declaration in Writing, expressing either the wrong the Complainant hath suffered by the party complained of, or else some fault committed against some Law or Statute of the Realm. This *Bill* is most commonly addressed to the Lord Chancellor of *England*, especially for unconscionable wrongs done; sometimes to others having Jurisdiction, according as the Law, whereon they are grounded, does direct: It contains the Fact complained of, the Damages thereby sustained, and Petition of Process against the Defendant for redress. See more in *West. par. 2. Symbol. tit. Supplications.*

Bill of Store, Is a kinde of Licence granted at the Custom-house to Merchants, or others, to carry over such *Stores* or Provision as are necessary for their Voyage, Custom-free.

Bill of Sufferance, Is a Licence granted at the Custom-house to a Merchant, to suffer him to trade from one English Port to another, without paying Custom. *Anno 14 Car. 2. cap. 11.*

Billa vera (Lat.) The Bill is true. The Grand Enquests, Emparelled and sworn before the *Judices of Eyre*, &c. Endorsing a Bill (whereby any crime punishable in that Court is presented to them) with these two words, significeth thereby that the presentor hath furnished

his presentment with probable Evidence, and worthy further consideration. Whereupon, the party presented, is said to stand indicted of the Crime, and tied to make answer to it, either by confessing or traversing the Indictment: And if the Crime touch his Life, it is yet referred to another Enquest, called the *Inquest of Life and Death*, by whom, if he be found guilty, then he stands convict of the Crime, and is by the Judge to be condemned to Death. See *Incuriamus* and *Indictment*.

Billets of Gold (Fr. *Billot*) Wedges or Ingots of Gold, mentioned 27 Edw. 3. Stat. 2. cap. 14.

Bisextile (*Bisextili*) Leap-year so called, because the sixth Calends of March are in that year twice reckoned, *tiz.* On the 24 & 25 of February. So that Leap-year hath one day more than other years, and is observed every fourth year, being first devised by Julius Caesar, to accommodate the year with the course of the Sun. And to prevent all doubt and ambiguity, that might arise hereupon, it is provided, by the Statute de *Anno Bisextili*, 21 Hen. 3. That the day increasing in the Leap-year, and the day next before, shall be accounted for one day, &c. Britton, fol. 209. and Dyer, 17 Eliz. 345.

Birlaw. See *Bilaw* and *Byrlaw*.

Black mail (Fr. *Maille*, i. A Link of Mail, or a small piece of Metal or Money) Signifies in the Counties of Cumberland, Northumberland, and Westmerland, a certain rate of Money, Corn, Cattle, or other consideration, paid to some inhabiting upon, or near the borders, being persons of name and power, allied with certain Moss-Troopers, or known Robbers within the said Counties; to be thereby by them freed and protected from the danger of those Spoil-takers. Anno 43 Eliz. cap. 13. See *Mail*.

Black Rod, or Gentleman-Usher of the Black Rod, is chief Gentleman Usher to the King. He is called in the *Black Book*, fol. 255 *Lator virga nigra*, and *Hospiarius*; and elsewhere *Virgi-bajulus*: His duty is *Ad portandum Virgam coram Domino Rege*, *ad Festum Sancti Georgii infra Castrum de Windesore*. He hath also the keeping of the Chapter-house Door, when a Chapter of the Order of the Garter is sitting; and, in the time of Parliament, attends on the *House of Peers*.

He hath a like habit with the Register of the Order, and Garter King of Arms; which he wears at the Feast of S. George, and all Chapters. He bears a *Black Rod*, on the top whereof sits a Lion, Gold; which Rod is instead of a Mace, and hath the same power and authority. His Fee is now 30*l. per annum*. This Officer hath been anciently constituted by Letters Patent under the Great Seal.

Blade (*Bladum*, Fr. *Bled*) *Nostru foro, de segete tantum intelligitur, præstern etiam in herba. Spel.* But the Saxon Blood signifies more generally Fruit, Corn, Hemp, Flax, Herbs, &c. or the Branches or Leaves of Trees or Herbs.

Universis—Wil. de Mohan salutem, Scitis me relaxasse & quietum clamasse Dominus Reginaldo de Mohan fratre mes totum Mancrum meum de Tör—Salvo mibi instauro meo & blado, &c. (sine dat.) i. e. Excepting my Stock and Corn on the Ground. Hence Bladier is taken for an Ingrosser of Corn or Grain. Sciant—quod ego Willielmus Alreton, consensu & voluntate Beatrice Uxor mea, Dedi—Agatha Gille pro duabus Marcis Argentis & una mensura bladi, duas solidatas redditus in villa Leominstr. illas scil. quas Walterus de Luda solebat mibi reddere pro quadam terra que est inter soldas Ada Talcurteis & Feodium Iohannis Rading. Habend. &c. (sine dat.) Ex libro Cartar. Priorat. Leominstræ.

Blanks (Fr. *Blanc*, i. candidus) A kind of Money, coined by King Henry the Fifth, in the parts of France, which were then subject to England, the value whereof was 8*d.* Stow's *Annals*, pag. 586. These were forbidden to be current in this Realm, 2 Hen. 6. cap. 9. The reason why they were called Blanks, was, because at the time these were coined in France, there was also a piece of Gold coined, called a *Salus*; from which, this of Silver, was in name distinguished by the colour.

Blanch-Bar, Is the same with that we call a *Common Bar*, and is the name of a Plea in Bar, which in an Action of Trespass is put in to compel the Plaintiff to assign the certain place where the Trespass was committed: It is most used by the practisers in the Common Bench, for in the Kings Bench the place is commonly ascertained in the Declaration. Croke, 2 Part. fol. 594.

Blench, To hold Land in Blench, is, by payment of a Penny, Rose, Pair of Gilt Spurs, or such like things, if it be demanded; In name of Blench, i. *Nomine alba firma*. See *Alba firma*.

Blockwood. See *Logwood*.

Blomary (Anno 27 Eliz. cap. 19.) The first Forge in an Iron Mill, through which the Iron pasleth, before it comes to the *Finary*.

Bloated Fish or Herring (Anno 18 Car. 2. cap. 2.) Are those which are half-dried.

Bloudy-hand. See *Backberden*.

Bloudwit or Blodwite (compounded of two Saxon words *Blod*, i. *sanguis*, and *pita, multa,*) Is a word used in ancient Charters of Liberties, and signifies an Amercement for shedding Blood; so that whosoever had it given him in his Charter, had the penalty due for Blood-shed. Skene writes it *Bloudveit*, and says *reit* in English, is *injuria*, and that *Bloudbeit* is an Amerciment or *unlaw* (as the Scotch call it) for wrong or injury, as Bloodshed is: For he that hath *Bloudveit* granted him, hath free liberty to take all Amerciaments of Courts for Emission of Blood. Fleta says, *Quod significat quietantia misericordia pro effusione sanguinis*, Lib. 1. cap. 47. *Blodwite*, i. Si aliqui pugnantes ad invicem in Rudham & extraxerint sanguinem, Prior habebit inde amerciamenta in Curia sua. Ex Reg. Priorat. de Cokesford.

Blubber (*Anno 12 Car. 2. cap. 18.*) A kind of Whale-Oyl, so called; before it is throughly boiled and brought to perfection.

Boe-hord (*Sax.*) A place where Books, Evidences, Writings, or other like Monuments are kept, as the Rolls, *quæstus Librorum horum.*

Boeland (*Sax.*) *Terra hereditaria vel testimentalis, quæstus Book-land.* A Possession, an Inheritance; a Territory, Farm, or House with Land belonging to it, held by Evidence in Writing. **Boeland** *veri ea possidendi transferendque lege coercedatur, ut nec dari licuit nec vendi, sed hereditibus relinquenda erat, in scriptis aliter permitteretur;* Terra inde Hereditaria nuncupata. *LL. Aluredi, cap. 36.* See Charter-land, and *Landboe.* And see *Glossarium in decem Scriptores.*

Bodies Politick. See *Corporation.*

Billary or Billary of Salt (*Silina*) A Salt-house, or Salt-pit, where Salt is boiled and made. *Coke on Littl. fol. 4. b.* From the Fr. *Bovillon*, a Boiling or Bubbling.

Bolting, At Greys-Inn the manner is thus, An *Ancient*, and two *Barristers* sit as Judges, three Students bring each a Case, and the Judges chuse which of them shall be argued; which done, the Students first argue it, then the *Barristers*. It is inferior to *Mooting*, and may be derived from the Saxon *Bolt*, a House; because done privately in the House for instruction.

Bona fide, i. With a good Faith; we say that is done *Bona fide*, which is done really, with a good Faith, without dissimulation or fraud. It is used *Anno 12 Car. 2. cap. 18.* and *15 Car. 2. cap. 5.*

Bonaght or Bonaghty, Was an Exaction in Ireland, imposed on the Subjects at the Will of the Lord, for relief of the Knights called *Bonaghti*, who served in the Wars. *Antiq. Hibern. pag. 60.* *Camden* (in his *Britan. tit. Desmond*) says, *James Earl of Desmond imposed upon the People those most grievous Tributes of Corn, Liveries, Cocherings, Bonaghty, &c.*

Bona notabilia; Where the party dying hath, at time of his death, Goods, or good Debts in any other Diocesis, or peculiar jurisdiction within that Province, besides his Goods in the Diocese where he dies, amounting to the value of £1. at the least, he is said to have *Bona notabilia*; and then the Probat of his Will, or granting Administration belongs to the Archbishop of the Province, whether it be within that of *Canterbury*, or *York*. But this does not prejudice those Dioceses, where, by Composition or Culton, *Bona notabilia* are rated at a greater sum. *Book of Canons*, 1. *Jac. Can. 92, 93.* *Perkins*, *sect. 489.* See *Probat of Testaments.*

Bona Patria, An Assise of Country-men or good Neighbors; sometimes it is called *Assisa bona patriæ*, when twelve or more Men are chosen out of any part of the Country to pass upon Assise; otherwise called *Juratores*, because they are to swear judicially in pre-

sence of the party, &c. *Skene.* See *Assise.*

Bond, Bondage, and Bondmen. See *Natus.* *Bondmen* in *Domesday* are called *Servi*, and differed from *Villani*. — *It de toto tenemento, quod de ipso tenet in Bondagio in Soca de Nortone cum pertin.* *Mon. Angl. 2. par. fol. 609. a.*

Bonis Arrestandis, Is a Writ, which see in *Arrestandu bonis.*

Bonis non amobendis, Is a Writ to the Sheriffs of London, &c. to charge them, that one, against whom a Judgment is obtained in an Action, and who prosecutes a Writ of Error, be not suffered to remove his Goods, till the Error be tryed. *Reg. of Writs*, *fol. 151. b.*

Bouting or Boting Corn, Certain Rent-Corn anciently so called: The Tenants of the Mannor of *Haddenham in Com. Bucks*, heretofore paid *Bouting Corn* to the Prior of *Rochester*. *Antiquity of Purveyance*, *fol. 418.* Perhaps it was so called, as being paid by the Tenants, by way of *Bote* (Boot we still call it) or compensation to the Lord, for his making them Leaves, &c. See *Bote.*

Bordagium, The Tenure of *Bord-lands*, which see. *Item ordinatum est, quod omnes qui terras & tencmenta tenent per Bordagium, habent super singulis Bordagiis, quæ per prædictum servicium tenentur, capitalem quandam mansio-nem in loco ad hoc consueto, &c.* *Ordinac. Justic. Itin. in Insula de Jersey.*

Bordartii seu Borduanni, Often occur in *Domesday*; by some esteemed to be Bores, Husbandmen, or Cotagers; which are there always put after *Villains*. *Dicantur Bordarii vel quod in tugurio (quæ Cottagia, vocant) habitan-t, seu villarum limitibus, quæ Bord-ers. Speim. Tenentes per servitia plus servilia quam villani, & qui tenent nisi paucas acras.* *M. S. but see *Bordlands*.*

Bord-halfspeny (*Sax. Bops, tabula, and halspeny, obulus*) Is Money paid in Fairs and Markets for setting up Tables, *Bords*, and Stalls, for sale of Wares. *In antiquis Charitis multi immunes sunt ab ipsa solutione*, says *Spelman*. It is corruptly written *Bortbalpeny* and *Erodbalpeny* in some Authors.

Bord-lands, The Lands which Lords keep in their hands for maintenance of their *Bord* or *Table*. *Est Dominicum quod quis haber ad mensam suam & propriæ, sicut sunt *Bord-lands*, Anglie, i. Dominicum ad mensam, Bract. lib. 4. tract. 3. cap. 9. num. 5.* Which possession was anciently termed *Bordage*. *Sax. Diſt. verbo Bord.* And the *Bordarii* (often mentioned in *Domesday*) were such as held those Lands, which we now call *Demain Lands*. See *Antiq. of Purveyance*, *fol. 49.*

Borow or Borough (*Sax. Bophoe, Fr. Burg*) Signifies a Corporate Town, which is not a City. *Anno 2 Edw. 3. cap. 3.* As also such a Town or place as sends Burghes to Parliament, the number whereof you may see in *Cromp. Juris. fol. 24.* Probably *Borhoe* was anciently taken for those Companies, consisting of

Ten Families, which were combined to be one anothers Pledge. See *Braeton*, lib. 3. tract. 2. cap. 10. and *Lamberts Duty of Constables*, pag. 8. Verstegan fays, That *Burg* or *Burgh*, whence we say *Borough*, signifies a Town, having a Wall or some kinde of Enclosure about it; and that those places which in old time had among our Ancestors the name of *Borough*, were one way or other, fenced or fortified. See *Head-borow* and *Borow-head*.

Borow-head alias Head-borow (from the Sax. *Borhœ* and Head) signifies (according to *Lambert*, in his *Treatise of Constables*) the Head-man or cheif pledge of the Decury or *Borow*, chosen by the rest to speak and act in their name, in those things that concerned them.

Borow-holders alias Bursholders, quasi *Borhœ-calder*, are the same with *Borowheads*. *Braeton* calls them *Borghy-Alders*, Lib. 3. tract. 2. cap. 10.

Borow-English (Sax. *Bosphæc English*) Is a customary Decent of Lands, whereby in all places, where this Custom holds, Lands and Tenements descend to the youngest Son; or, if the owner have no issue, to his youngest Brother, as in *Edmonton*. *Kitchin*, fol. 102. And the reasoun of this Custom (according to *Littleton*) is, For that the youngest is presumed in Law, to be least able to shift for himself.

Borow Goods Divisible. These words are found in the Statute of *Alton Burnel*, 11 Edw. 1. As, before the Statutes of 32 & 34 Hen. 8. no Lands were Divisible at the Common Law, but in ancient *Baronies*; so perhaps, at the making theforesaid Statute of *Alton-Burnel*, it was doubtful, whether Goods were Divisible, but in ancient *Borows*. For it seems by the Writ *De rationabili parte bonorum*, anciently the Goods of a Man were partable between his Wife and Children.

Borthalpeny. See *Bord-balpeny*.

Bosage (*Boscum*) Is used for that Food, which Wood and Trees yield to Cattle, Mast: From the Gr. βόσκειν. *Pascere*.

Boscaria — *Ut ipsi possunt domos & Boscaria satis competitia adficare* — *Mon. Angl.* 2 p. fol. 302. It may either signifie Wood-houses, from *Boscus*; or Ox-houses, from *Bos*.

Boscus, Is an ancient word used in the Law of *England*, for all manner of Wood. The Italian useth *Bosco* in the same sense, and the French, *Boys*. *Boscus* is divided into High-wood or Timber (*Haut-bois*) and Copice or Under-wood (*Sub-Bois*). High-wood is properly called *Saltus*, and in *Fleta*, *Maerium*.

Bosimus (From the Fr. *Bouzine*, A Ruptile Trumpet or Wind-instrument, made of Pitched Barks.) By Inquisition after the death of *Laurence Hastings*, Earl of *Pembroke*, 22 Edw. 3. The Mannor of *Aston Canslow* (*de Cantelupo*) in *Com.War*. is returned to be held in Capite of the King by these words, *Quod quidem Manerium per se tencetur de Domino Rege in Capite per servitium inveniendi unum hominem*

peditem cum quadam Arcu sine Corda, *cum uno Bosino sine tappa per xl. dies sumptibus propriis, quoties fuerit guerra in Wallia*. Ex Record. Turris Londini.

Quare, If *Tappa* (from the Fr. *Tapon*, i. the Bung or Stopple) be not the Buckhole or Stopple of the Instrument where they blow.

Bote (Sax.) Compensation, recompence, satisfaction, or amends. Hence *Man-bote* alias *Mon-bote*, compensation or amends for a Man slain, who was bound to another: In King *Ina's* Laws set out by *Lambert*, cap. 96. you may see what rate was ordained for expiation of this offence. Hence also our common phrase to boot. *i. compensationis gratia*. See *Hedge-bote*, *Flow-bote*, *House-bote*; and see *Skene*, *verb*, *Bote*.

Boteless. *i. Sine emenda*. Int. *Plac. Trin.* 12 Edw. 2. Ebor. 48. We retain the word still in Common Speech.

Botha, A Booth, Stall, or Standing, made in Fairs or Markets. — *Et duas mansuras liberas ad Bothas suas faciendas*. *Mon. Angl.* 2 p. fol. 132.

Botiler Of the King (*Pincerna Regis*) *Anno 43 Edw. 3. cap. 3.* Is an Officer that provides the Kings Wines; who (according to *Fleta*, lib. 2. cap. 21.) may by virtue of his Office out of every Ship laden with Sale-Wines, *Unum dolium eligere in prora navis ad opus Regis*, & aliud in puppi, & pro qualibet pecia reddere tantum 20 solid. *Mercatoris*. *Si autem plura inde babere voluerit, bene licet, dum tamen premium fide dignorum judicio pro Rege apponatur*.

Bottomry or Botomary (*Anno 16 Car. 2. cap. 6.*) Is, when the Master of a Ship borrows Money upon the Kiel or Bottom of his Ship, and binds the Ship it self, That if the Money be not paid by the day aforesigned, the Creditor shall have the Ship. *Ceo Bottomage est quand argent est borrow sur le Keil del Neif*, & le Neif oblige al payment de ceo. *Viz. Si ne soit pay al temps, que l'autre avera le Neif* Latches Rep. fol. 252. *Scarboroughs Case*.

Others define it thus, When I. S. lends Money to a Merchant, that wants it to Trafick, and is to be paid a greater sum at the return of the Ship, standing to the hazard of the Voyage; and though the profit be above six per cent, it is not reckoned Usury.

Bobata terra, Is as much as one Ox can Plough. *Oto bovata terra faciunt carucatum terra, oto carucata faciunt unum Feodium Militie. XVIII acra faciunt Bovatam terra. M. S. cum notis in Statut. See Osgang.*

Bouche of Court, or as the vulgar call it *Budge of Court*, Is to have meat and drinke foot free there: For so is the Fr. *Avoir Bouche a Court*, to be in Ordinary at Court. And this anciently extended as well to the Court of Noblemen, who were Subjects, as to the Kings Court. As appears by this Deed.

Ceste Endenture faite parentre lui Nobles hommes Monsieur Tho. Beauchamp, Counte de Warwyke, d une part, & Monsieur Johan Russell de

de Strengham Chivalier d'autre part, tenuoyne que le dit Mounfieur Johan est demoure ove le dit Counte pur terme de sa vie, pur la pees & pur guerre, & prendra pur la pees du dit Counte annuellement vny livres, de la vie du dit Mounfieur Johan, del Manoir le dit Counte de Chedworth en le Countes de Gloucestre, & pur la guerre quarante livres, & serra paix annuellement as termes de la Nativite Seinte John le Baptiste & de Novvel per ovels portions des issus du dit Manoir de Chedworth, per les mains del gardyn de mesme le Manoir, & avera le dit Mons. Johan pur la pees, quant il serra maunde de venir al dit Counte, Bouche au Court pur lui mesme, un Chamberlein & un Garfon, feyn, provendre & Ferrure pur trois Chivaulx pur la temps de sa demoure, Et pur la guerre le dit Mons. Johan Mountra lui mesme covenablement, & avera Bouche au Court, ou liverie pur lus mesme, une Chamberlein & trois Garfons, ou gages al affranchir & feyn, provendre & Ferrure pur cyng chivaulx en manere come autre de son estat, ove le dit Counte, prendront. Et si le preigne prisoner, soit entre le dit Counte & le dit Mons. Johan, si come il fait parentre lui & autres Bachulers de sa reteneue pur terme de vie. Et voet & grante le dit Counte per cestes presentes Lettres, que si la dite rent annuelle de xx l. pur la pees, ou de xl l. pur la guerre soit a derere & nyent paye pur un moy apres ascu des termes avynditz, que bien lise au dit Mons. Johainou a son Attornie en celle partie en le dite Manoir de Chedworth desfreindre pur les arrerages de la dite rent, &c. Done a nostre Chastel de Warwylke le xxix. jour del mois de Marcz l'an du regne le Roy Richard Second, puis le Conquest, sisme.

Boberia, An Ox-house or Ox-stall — *Ad faciendum ibi Boverias suas & alias domos usibus suis necessarias, &c.* Mon. Engl. 2. par. fol. 210. a. Loca ubi stabulantur Boves; according to *Gloss. in x. Scriptores.*

Bound (Banda) — *Secundum metas, mareas, bandas, & Marchias Foresta,* 8 Edw. 3. Itin. Pick. fol. 6. Sir Edw. Coke in 4 Inst. fol. 318. derives it from the Saxon, Bonna, but the Saxon Dictionary affords no such word.

Bow-bearer, Is an under Officer of the Forest, whose Oath will inform you the nature of his Office, in these words.

I Will true Man be to the Master of this Forest, and to his Lieutenant, and in their absence I shall truly over-see, and true Inquisition make, as well of sworn Men as unsworn in every Bailiwick, both in the North Bail, and South Bail of this Forest, and of all manner of Trespasses done, either to Vert or Venison, I shall truly endeavor to attach, or cause them to be attached, in the next Court of Attachment; there to be presented, without any concealment had to my knowledge. So help me God. Crompt. Jurisd. fol. 201.

Bozones. See *Bufones.*

Brandy, A kinde of Spirit or Strong-water, made cheifly in France, and extracted from the Lees of Wine or Cider, mentioned in the Act, 20 Car. 2. cap. 1. Upon an Argument in the Exchequer, Anno 1668. Whether Brandy were a Strong-water or Spirit, It was resolved to be a Spirit. But 25 Nov. 1669, by a Grand Committee of the whole House of Commons, it was voted to be a Strong-water, and not a Spirit.

Brasium, Malt: In the ancient Statutes *Brasator* is taken for a Brewer, from the Fr. *Brasseur* 5; and at this day also for a Malster or Malt-maker. It was adjudged, 18 Edw. 2. *Quod venditio Brasi non est venditio virtualium, nec debet puniri sicut venditio Panis, vini & Cervisie & bususmodi contra formam Statut.*

Breach Carnium. Per Breach Carnium Thomas Crew, (*Magister Hospitalis Sancti Jobannis Baptista extra portam borealem Cestriae*) clamat, quod omnes tenentes sui infra eorum libertates residentes sine quieti de venditione carnium. Pla. in Itin. apud Cestriam 14 Hen. 7.

Bread of Trect or Trite. (*Panis Tritici*, Wheaten Bread) Was one of those sorts of Bread mentioned in the Statute of *Affise of Bread and Ale*, 51 Hen. 3. *Stat. 1.* where we read of *Wastel Bread*, *Cocket Bread* and *Bread of Trect*, which I think do gradually correspond with what we now call *White*, *Wheaten*, and *Bould* or *Course Bread*. See *Cocket*.

Bred, Is used by Bracton, lib. 3. tract. 2. cap. 15. for Broad, as, Too long and too bred.

Brehon, The Irish call their Judges *Brehones*, and thereupon the Irish Law is called the *Brehon Law*. See 4 Inst. fol. 358.

Bretopse or Bretois — *Sciant — quod ego Henricus de Penebrugge Dedi — Omnibus liberis Burgensibus meis Eurgi mei de Penebrugge omnes libertates & liberas consuetudines secundum legem de Bretoye nundinum & feris appertinet. secundum tenorem Chartae Domini Henrici Regis quam habeo. Habendum, &c. sine dat. Secundum legem de Bretoye, must certainly signifie, Legem Marchiarum; or, The Law of the Britons, or Welshmen: For Penebrugge (now Pembridge) is a Town in Herefordshire, bordering upon Wales.*

Bribibus & Rotulis liberandis, Is a Writ or Mandat to a Sheriff to deliver unto the new Sheriff, chosen in his Room, the County and the appurtenances, with the Rolls, Briefs, Remembrances, and all other things belonging to that Office. *Reg. of Writs*, fol. 295. a.

Bribery (from the Fr. *Briber*, to devour or eat greedily) Is a great misprision, when any Man in judicial place takes any Fee, Pension, Gift, Reward, or Brocage, for doing his Office, but of the King only. *Fortescu*, cap. 51. and 3 Inst. fol. 145.

Bribour (Fr. *Bribeur*, i. a Beggar) Seems to signifie in some of our old Statutes, one that Pilfers other Mens Goods, as Cloaths out of a Window, or the like.

Brief (breve) Signifies a Writ, whereby a Man is summoned or attached to answer any Action; or (more largely) any Writ in writing, issuing out of any of the Kings Courts of Record at Westminster, whereby any thing is commanded to be done in order to Justice, or the Kings command, and is called a *Brief*, or *Brevi*; *Quia breviter & paucis verbis intentio- nem proferentis exponit & explanat, sicut regula juris rem qua est breviter enarrat*, says Bracton, lib. 5. tract. 5. cap. 17. num. 2. Also Letters Patent or a Licence from the King or Privy Council, granted to any Subjett to make a Collection for any publick or private loss, is commonly styled a *Brief*.

Briga (Fr. *Brigue*, i. debate or contention) — *Et posuit terram illam in Brigam & causam in- tencandi terram, scilicet, per diversa fraudulentia Fecundantes; Ideo committitur Maresc.* Ebor. Hil. 18 Edw. 3. Rot. 28.

Brigandine (Fr.) A Coat of Mail, or a fashion of ancient Armor, consisting of many joyned and Scale-like Plates, very pliant unto, and easie for the Body, mentioned Anno 4 & 5 Phil. & Ma. cap. 2. Some confound it with Haubergeon; and some with *Brigantine*, (in writing which, there is onely the *d* turned into *t*) which signifies a low, long, and swift Sea-Vessel, having some twelve or thirteen Oars on a side.

Brig-bote or **Bug-bote**, *Significat quietaniam reparacionis Pontium. Fleta*, lib. 1. cap. 47. *Ponit refectio vel restauratio.* It is compounded of (*Brig*) a Bridge, and (*Bote*) which is a yeilding of amends, or supplying a defect. See *Bote* and Seldens titles of Honor, fol. 622. *Arcis pontisque conformatio.*

Brocages (Anno 12 Rich. 2. cap. 2.) Means used by a Spokesman; the Wages, Hire, or Trad. of a Broker. Anno 1 Jac. cap. 21. it is written *Brokerage*. Anno 11 Hen. 4. num. 28. not Printed.

Brochia (from the Fr. *broc*, *Quod lagenam maiorem aut cantharum significat.*) *Si quis teneat per servitium inveniendi Domini Regi, certis locis & certis temporibus, unum hominem & unum equum & saccum cum Brochia pro aliqua necessitate, vel utilitate exercitum suum contingentem.* Bracton, lib. 2. tract. 1. cap. 6. By which it should seem *Saccus* was to carry the dry, and *Brochia* the liquid things. See *Saccus*.

Brodehalfpenny, *Rectius Bordhalfpenny*, Signifies a small Toll, by Culfom paid to the Lord of the Town, for setting up Tables, Bords, or Booths, in a Fair or Market: From which, they who are freed by the Kings Charter, had this word in their Letters Patent; in so much, as now the freedom it self (for shortnes of Speech) is termed *Bordhalfpenny*. See *Bordhalfpenny*.

Broggers. Vide *Brokers*.

Brokers (*Brokaris*) Are of two sorts, the one an *Exchange-Broker*, whose Trade is to deal in matters of Money and Merchandise between English-men and Stranger-Merchants, by drawing the Bargain to Particulars, and the

Parties to Conclusion; for which they have a Fee or Reward. These are called *Broggers*, Anno 10 Rich. 2. cap. 1. and in Scotland *Broccarii*, that is (according to Skene,) Mediators or Intercessors in any Transaction, Pastion, or Contract, as in Buying, Selling, or Contracts of Marriage. *Broggers of Corn*, Are used in a Proclamation of Q. Elizabeth for *Badgers*, *Bakers* Chron. fol. 411. He that would know what these *Brokers* were wont, and ought to be, let him read the Statute of 1 Jac. cap. 21. The other is the *Pawn-broker*, who commonly keeps a Shop, and lets out Money to poor and necessitous people upon Pawns, not without Extortion for the most part: These are more properly called *Friperers* or *Pawn-takers*, and are not of that antiquity or credit, as the former; nor does the said Statute allow them to be *Brokers*, though now commonly so calied.

Brothel-houses, King Henry the Eighth, by Proclamation 30 Martii, 37 of His Reign, suppressed all the Stews or *Brothel-houses*, which long had continued on the Bankside in Southwark; for that they were prohibited by the Law of God, and Law of this Land. 3 Inst. fol. 205. And Rot. Parl. 14 R. 2. num. 32.

Buck-bote (from the Germ. *Buck*, i. Bridge and *Bote*, i. Compensation) Signifies a Tribute or Contribution towards the mending or re-edifying of Bridges, whereof many are freed by Royal Charter; and thereupon the word is used for the very Liberty or Exemption it self. See *Pontage* and *Brig-bote*.

Buziere (Fr. *Bruyere*, Lat. *Bryozium*, *erica*, *quasi ericetum*) Heath and Heath-ground. *Pastura xi quarentenarum & dimid. longitudine & latitudine. Bruaria 2 leucarum longitudine & latitudine. Domesd. Tit. Dorset Eccles. Cren- burn. Ingelingbam.* Hac autem appellatione *Forense vocant steriles camporum solitudines, hec etiam non edant, Heath-ground.* Spel.

Buckstall. — *Et fini quieti de Chevagio, Honpeny, Buckstall, & Tristis, & de omnibus misericordiis, &c.* Privileg. de Semplingham. By the Stat. 19 Hen. 7. cap. 11. it seems to be a Deer-hay, Toy, or great Net to catch Deer with; which by the said Statute is not to be kept by any man that hath not a Park of his own, under pain of 40 l.

To be quit of *Buckstalls*, i. *Vbi homines con- venire tenentur, ibidem convenire ad stablam faciendam circa feras & ad easdem congregand. quietum esse de hoc servitu, quando Dominus chasceravit.* 4 Inst. fol. 306.

Buck-wheat (Mentioned in the Statute 15 Car. 2. cap. 5.) Is otherwise called *French Wheat*, and well known.

Budge of Court. See *Bouche*.

Buggery (According to Sir Edward Coke, Rep. 12. pag. 36.) Comes from the Ital. *Buggerare*, to Bugger, and is described to be *Carnalis copula contra naturam, & bac vel per confusionem spiciorum, sc. A Man or a Woman with a bruit Beast, vel sexuum; A Man with a Man, or a Woman with a Woman.* This offence committed with Mankinde or Beast, is Felony without

without Clergy ; it being a sin against God, Nature, and the Law, and was brought into England by the Lombards, as appears by Rot. Parl. 50 Edw. 3. num. 58. See the Stat. 25 H. 8. cap. 6. revived 5 Eliz. 17. Fitzb. Nat. Br. fol. 269. b. In ancient time such Offenders were burnt by the Common Law. This most detestable sin was justly excepted out of the Act of General Pardon, 12 Car. 2. cap. 8.

Bull (*Bulla*, Ital. *Bolla*) was a Gold Ornament or Jewel for Children, hollow within, and made in fashion of a Heart to hang about their Necks ; but now it is most usually taken for a Brief or Mandate of the Pope, or Bishop of Rome, from the Lead or sometimes Golden Seal affixed thereto ; which Matthew Paris Anno 1237. thus describes. *In Bullæ Domini Papæ stat imago Pauli a dextris Crucis in medio Bullæ figurata, & Petri a sinistris.* The word is often used in our Statutes, as 28 Hen. 8. cap. 16. And 1 & 2 Phil. & Ma. cap. 8. — 13 Eliz. cap. 2. Non solum sigillum significat impressum & impressum, sed ipsas etiam literas bullatas & interdum schedulam seu billam. Misit quoque Archiepiscopus (Cantuarie) Regi & Concilio suo schedulam seu Billam, in hunc modum continentem, &c. Spelman William de Brinckle recovered at the Common Law by Verdict against Otto, Parson of the Church of Beston x l. Pro subfractione unius Bullæ Papalis de Ordinibus, alterius Bullæ de legitimatione, & tertia Bul & de veniam exorantibus pro animabus antecessorum suorum. Trin. 4 Edw. 3. Rot. 100. Bulla, Olim sigillum significans. Gloss. in x. Scriptores.

Bullenger. The Commons do Petition, that certain Commissions lately sent to Cities for the making of certain Boats and Bullengers, being done without consent of Parliament, might be repealed. Rot. Parl. 2 Hen. 4. num. 22.

Bullion (Fr. *Billon*, i. The Metal wherof base Coyn is made) Signifies with us Gold or Silver, in Mass or Billet. Anno 9 Edw. 3. Stat. 2. cap. 2. And sometimes the Kings Exchange or place, whither such Gold in the Lump is brought to be tryed or exchanged. 27 Edw. 3. Stat. 2. cap. 14. And 4 Hen. 4. cap. 10.

Bullion seems also to signifie of old, a quantity of Salt, according to *Cervase of Tilbury*, writing of the Salt Springs in Worcester-shire.

Bultel, Is the refuse of the Meal, after it is dressed by the Baker ; also the Bag wherein it is dressed. I finde the word mentioned in the Statute, entituled, *Affisa panis & Cervisia*. Anno 51 Hen. 3. Hence Bulted Bread, Course Bread.

Bunda. See *Bound*.

Burcheta (from the Fr. *Burche*) A kinde of Gun, mentioned in the Forest Records.

Burgage (*Burgagium*, Fr. *Bourgage*) Is a tenure proper to *Borows*, whereby the Inhabitants by ancient Custom hold their Lands or Tenements of the King, or other Lord, at a certain yearly Rent. It is a kinde of Soccage, says Swinburn, pa. 3. Sect. 3. num. 6. *Ad mili-*

tiam non pertinet, babetur ideo inter ignorabilis tenuras. Mentioned 37 Hen. 8. cap. 20. It was also anciently used for a Dwelling-house in a *Burrow Town*.

Sciant — *Quod ego Editha filia Johannis de Aula in ligea virginitate & potestate mea dedi Deo & Beata Maria & omnibus Sanctis & Eleemosinaria Leominstr. pro salute Animæ meæ — In liberam peram & perpetuam Eleemosinam totum illud Burgagium cum edificiis & perlin. suis quod jacet in Villa Leominstr. Ex libro cartarum Priorat. Leon.*

Burghbrech alias Boegbrech (Sax. *Buphybre*, i. Fideiussionis fractio, vel plegii violatio) *Angli omnes decemviri olim fideiussionis pacem regiam stipulati sunt; quod autem in banc commissum est, Burghbrech dicitur, ejusque cognitio & vindicta, Regis Chartis, plurimis credebantur, pro quorum dignitate, multa alia lexior fuit, aliis gravior. Vide LL. Canuti, cap. 55.* **Burghbrech, i.** *Lasio libertatis a septi. Gallicè, bleſmure de Courte ou de cloſe. Polychron, lib. i. cap. 50.*

Burgbote (Sax. *Butig, Buph, Burgus, and Boce, compensatio*) A Tribute or Contribution towards the building or repairing of Castles or Walls of Defence ; or towards the building of a *Burrow* or City. From which divers had exemption by the ancient Charters of the Saxon Kings ; whence it is ordinarily taken for the liberty or exemption it self. *Rastal. Significat (says Fleta) quietantiam reparacionis murorum civitatis vel Burgi.* Lib. i. cap. 47.

Burgherish. — *Ista consuetudines pertinent ad Taunton, Burgherish, Latrones, Pacis infraatio, Hanifare, Denarii de Hundre, & Denarii S. Petri, &c. Quare. M. S. Camdeni penes Will. Dugdale Ar.*

Burgemote (Sax.) *Curia vel conventus Burgi vel Civitatis; the Borow-Court. — Et habatur in anno ter Burgesmotus, & Schibremotus bis, nisi sapient sit, & interficit Episcopus & Aldermannus, & doceant ibi Dei rectum & seculi. LL. Canuti. M. S. cap. 44.*

Burgesses (*Burgarii & Burgenses*) Are propery Men of Trade, or the Inhabitants of a *Borow* or Walled Town ; yet we usually apply this name to the Magistrates of such a Town, as the Bailiff and *Burgesses* of *Leominster*. But we do now usually call those *Burgesses* who serve in Parliament, for any such *Borow* or Corporation. *Filius vero Burgensis etatem habere tunc intelligitur, cum discreta severit Denarios numerare, & pannos ulnare & alia paterna negotia similiter exercere.* *Glanvile, lib. 7. cap. 9.* In Germany, and other Countreys, they confound *Burgess* and *Citizen* ; but we distinguish them, as appears by the Stat. 5 Rich 2. cap. 4. where the Clases of this Commonwealth are thus enumerated. **Count, Baron, Baneret, Chivalier de Countie, Citezein de Citie, Burgess de Burgh.** See the Statute of Morton, cap 7. And Coke on *Littl. fol. 50.*

Burglary (from the Fr. *bourg, i. pagus, villa; & larcin, i. furtum; or, laron, fur.* Coke, lib. 4. fol. 39.) Is a felonious entring into another

another Mans Dweilng-house, wherein some person usually inhabits, or into a Church in the night time, with intent to commit some Felony therin; as to kill some Man, steal somewhat thence, or to do some other felonious act, though he execute it not.

Burglary in the natural signification of the word, is nothing but the robbing a House by night, or breaking in with an intent to rob, or do some other Felony. The like offence by day, we call *House-robbing* or *House-breaking*, by a particular name. How many ways **Burglary** may be committed, see *Crump. Just. of Peace*, fol. 28, 29, 30. and 3 Part. *Inst. fol. 363*. It shall not have benefit of Clergy, Anno 18 E-liz. cap. 7.

Burghware (*q. burgi vir*) A Citizen or Burges. *Willielmus Rex salutat Willielmum. Epis opum & Coffidum Portugescium & omnem Burghware infra London. Charta Willielmi* En. Londoniensibus contesta.

Burlimen. See *Sucking*.

Bursa, A Purse. —*Reddendo inde ad Bur-sam Abbatis vi d. ad festum Sancti Michaelis, &c. Ex lib. Cartarum Priorat. Leominstr.*

Busca or **Buscus**, Under-wood or Brush-wood.

Busones Comitatus. *Justiciarii, vocatis ad se quatuor vel sex vel pluribus de Majoribus Comitatus, qui dicuntur Busones Comitatus, & ad quorum natum dependent vota aliorum, &c. Bracton, lib. 3. tract. 2. cap. 1. num. 1. Quare.*

But (*Butticum*) **Cherry But** of **Halmeley** to contain at the least 126 Gallons. Anno 1 Rich. 3. cap. 13.

Burlerage of Wines, Signifies that Imposition upon Sale-Wine brought into the Land, which the Kings Butler, by virtue of his Office, may take of every Ship; that is, Two shillings of every Tun of Wine imported by Strangers. Anno 1 Hen. 8. cap. 5. See more in *Boiller of the King*, and *Prifage*. The Stat. 12 Car. 2. cap. 24. for taking away of *Purve-gance*, Does not extend to prejudice the ancient duties of *Burlerage*, and *Prifage* of *Wines*, but they are to continue as before the making this Act. See *Caltrops Reports of Special Cafes*, pag. 23. and 4 Inst. fol. 30.

Buzcarles or **Buscarles** (*Buscarli & Buzscarli*) Sunt qui portus nauticos custodiunt: Mariners or Seamen. *Quando Rex ibat in expeditionem vel terra vel mari, habebat de hoc Manerio aut xx sol. ad pacendos suos Buzcarli, aut unum hominem duecbat secum pro honore quinque Hidarum Domest. tit. Wilsc. Wilton. And Seldens Mare clausum, fol. 184. where it is written Buzcarli.*

Buzones Judiciorum. *Placita de temp. Johannis Regis. Gloc. 139. See Busones Comitatus.*

Bydalle. (*Anno 26 Hen. 8. cap. 6.*) See *Bidale*.

Byrlato or **Laws of Burlaw** (*Leges Rusicorum*, from the Germ. *Baur*, i. *Ruficus*, & *Bauch*, Lex.) Laws made by Husbandmen, con-

cerning Neig'borhood, to be kept among themselves. *Skene*, pag. 33. See *Bylaws*.

C.

The Letter **C** among the Ancients denoted *Condemnation*. See *Ignoramus*.

Cablibus (*Cablicia*) among the Writers of the Forest Laws, signifies *Brush-wood*, or *Browse-wood*. *Crump. Jurisd. fol. 163*. But Sir Henry Spelman thinks, it more properly signifies *Wind-falm-wood*, because twas written of old *Cadibulum*, from *cadere*: or, if derived from the Fr. *Chablis*, it also signifies *Wind-falm-wood*.

Cabo bona sperans. See *Cape bona speranza*.

Cade of Herrings, Is 500. Of Sprats 1000. Book of Rates, fol. 45. Yet I find anciently 600. made the *Cade of Herring*, 120 to the hundred.

Calandring of Worsted-stuffs (mentioned 5 Hen. 8. cap. 4. and 25 ejusdem. cap. 5.) signifies to linooch, trim, and give them a gloss; it is a Trade both in London and Norwich.

Calangium, Challenge, claim, or dispute. *Sciant—quod ego Godfridus de Doddensall, cum assensu Amilia uxoris mea, dedi.—Deo & Beata Maria & Dominis meis Priori. & Conventui Wigorn. in pura & perpetua eleemosyna unam acram terrae — sine aliqua reclamacione seu calangio, &c. sine dat. penes Thomam Chyld Arm.—Boscum, qui fuit in calengio inter ipsum & Walterum. Mon. Angl. 2. par. fol. 252. b.*

Calcketum & **Calceata**, a *Causey* or *Causway*. See *Causey*.

Calends (*Calenda*) properly the first day of every Month, being spoken by it self, or the very day of the New Moon, which commonly fall out together: If *Pridie* be placed before it, then it signifies the last day of the foregoing Month, as *Pridie Calend. Maii*, is the last day of *April*: If any number be placed with it, it signifies that day in the former Month, which comes so much before the Month named; as the Tenth *Calends of October*, is the Twentieth day of *September*, because, if one begin at *October*, and reckon backwards, that Twentieth day of *September* is the Tenth day before *October*. In *March*, *May*, *July*, and *October*, the *Calends* begin at the Sixteenth day, in other Moneths at the Fourteenth; which *Calends* must ever bear the name of the Moneth following, and be numbered backward from the First day of the said following Moneths. See more in *Hoptons Concordance*, pag. 69. And see *Ides*. *Diculum de Kenelworth* is dated the day before the *Calends of November*, Anno 1256. In the Dates of Deeds, the day of the Moneth, by *Nones*, *Ides*, or *Calends*, is sufficient. 2 Inst. fol. 675.

Campfight.

Campfight. See *Champion*, and *3 Insti.*
fol. 221.

Candlemas-day, (Sax. *Candlemæsse*) The Feast of the Purification of the Blessed Virgin Mary (2 Febr.) instituted in memory and honor, both of the Presentation of our Blessed Lord, and the Purification of the Blessed Virgin in the Temple of Jerusalem, the Fortieth day after her happy Child-birth, performed according to the Law of Moses, *Levit.* 12. 6. It is called *Candlemas*, or a *Mass of Candles*, because before Mass was said that day, the Church blessed, that is, deputed or set a part for sacred use, *Candles* for the whole year, and made a Procession with hallowed *Candles* in the hands of the faithful, in memory of the Divine Light, wherewith Christ illuminated the whole Church at his Presentation, when old *Simeon* stiled him, *A light to the Revelation of the Gentiles, and the Glory of his people Israel*, *S. Luk.* 2. 32. This Feastival-day is no day in Court, and is the *Grand day of Candlemas* Term in the Inns of Court.

Cantel (among the Statutes made in the Reigns of Henry the Third, Edward the First or Second, but uncertain which, set down in *Poulton*, fol. 110. cap. 4. &c. 9.) — **Toll shall be taken by the Wase, and not by the Heap of Caotel;** which seems to signify the same we now call the *Lump*; as to buy by Measure, or by the Lump.

Cantred, or rather *Cantref*, (*Cantredus*) Signifies an Hundred Villages, being a British word compounded of the Adjective *Cant*, i. An Hundred, and *Tref*, a Town or Village. In Wales the Counties are divided into *Cantreds*, as in England into *Hundreds*. The word is used *Anno 28 Hen. 8. cap 3.*

Capacity (*capacitas*) An aptnes to contain or receive. Our Law allows the King two *Capacities*, A Natural, and a Politick: In the first, He may purchase Lands to Him and His Heirs; in the laier, to Him and His Successors. And a Parson hath the like.

Cape of Good Hope (*Cabo de bon' sferanza*) A Promontory or Elbow of Land that lies in *Cafraria*, a Province of *Ethiopia Inferior*, and was first discovered by the *Portugals*, under the command of *Bartholomew Diaz*. *He-lyn's Cosmog.* fol. 984. and is mentioned in the *Stat. 12 Car. 2. cap. 18.*

Cape (Lat.) Is a Writ Judicial touching Plea or Land or Tenements; so termed (as most Writs are) of that word, which carries the especial intent, or end of it. And this Writ is divided into *Cape Magnum* and *Cape Parvum*: Both which (as is before said in *Attachment*) take hold of things immovable, and seem to differ in these points. First, Because *Cape Magnum* or the *Grand Cape* lies before appearance, and (*Cape Parvum*) afterward. Secondly, The (*Cape Magnum*) summons the Tenant to answer to the Default, and over to the Demandant. *Cape Parvum* Summons the Tenant to answer to the Default only; and therefore is called *Cape Parvum* or *Petit Cape*.

Old Nat. Br. fol. 161, 162. Yet *Ingham* saith, it is called *Petit Cape*, not because it is of small force, but that it consists of few words.

Cape Magnum in the *Old. Nat. Br.* is thus defined; Where a Man hath brought a *Præcipe quod Reddat* of a thing that touches Plea of Land, and the Tenant makes default at the day to him given in the Original Writ, then this Writ shall go for the King, to take the Land into His hands; and if the Tenant come not at the day given him thereby, he loseth his Land, &c. A Form of this Writ, you may see in the *Reg. Judicial*, fol. 1. b. Of this Writ, and the Explication of its true force and effect, read *Braeton*, lib. 3. tract. 3. cap. 1. num. 4, 5, & 6.

Cape Parvum or *Petit Cape* (in *Old. Nat. Br. fol. 162.*) Is thus defined; Where the Tenant is summoned in Plea of Land, and comes at the Summons, and his appearance is of Record; and at the day given him, prays the View, and having it granted, makes default, then shall Issue this Writ for the King, &c. The difference betwixt the *Grand Cape* and *Petit Cape* (which in effect or consequence, are alike) is, that the *Grand Cape* is Awarded upon the Defendant or Tenants not appearing or demanding the View in such Real Actions, where the Original Writ does not mention the parcels or particulars demanded: And the *Petit Cape*, after Appearance or View granted. Its Form see in *Reg. Jud. fol. 2.* and *Fleta*, lib. 6. cap. 44.

Cape ad Valeniam, Is a Species of *Cape Magnum*, so called of the end whereto it tends, and (in *Old Nat. Br. fol. 161.*) thus described. Where I am impleaded of Lands, and I vouch to warrant another, against whom the Summons *Ad Warrantizandum* hath been Awarded, and the Sheriff comes not at the day given; then, if the Demandant recover against me, I shall have this Writ against the Vouchee, and shall recover so much in value of the Lands of the Vouchee, if he hath so much, if not, then I shall have execution of such Lands and Tenements as descend to him in Fee; or, if he purchase afterwards, I shall have against him a Resummons; and if he can say nothing, I shall recover the value. This Writ lies before Appearance. Of these, and their divers uses, see the Table of the *Reg. Judicial*, *verbo*, *Cape*.

Capias, is a Writ of two sorts, one before Judgment, called *Capias ad Respondendum*, where the Sheriff, upon Original, or other Writ in a Personal Action returns *Nihil habet in Balaiva nostra*. The other is a Writ of Execution after Judgment, being also of divers kindes; as *Capias ad Satisfaciendum*, *Capias pro Fine*, *Capias Utlagatum*, after Judgment, &c.

Capias ad Satisfaciendum, Is a Writ of Execution after Judgment, lying where a Man recovers in an Action Personal; as for Debt, Damages, Detinue, &c. in the Kings Court: In which case, this Writ Issues to the Sheriff, commanding him to take the body of him, against whom the Debt is recovered, who shall be put in prison, till he make satisfaction.

Capias pro Fine, Is where one, being by Judgment fined to the King, upon some offence committed against a Statute, does not discharge it, according to the Judgment: By this therefore is his body to be taken and committed to prison, until he pay the Fine. *Coke, lib.3. fol. 12.* Or where, upon a *Non est factum* pleaded, his Plea is, by evidence or his own after-acknowledgment, not made out or verified, and the like.

Capias Utlagatum, Is a Writ which lies against him, who is outlawed upon any Action Personal or Criminal, by which the Sheriff apprehends the party outlawed, for not appearing upon the *Exigend*, and keeps him in safe custody till the day of return, and then presents him to the Court, there farther to be ordered for his contempt; which (if in the Common Pleas) was in former times to be committed to the Fleet, there to remain till he had sued out the Kings Charter of Pardon, and appeared to the Action. At present, in the Kings Bench, the *Outlary* cannot be reversed, unless the Defendant appear in person, and by a present of Gloves to the Judges, implore and obtain their favor to reverse it. And in the Common Pleas, the Defendant (not being an Executor or Administrator) is now to give good Bail (which he is allow'd to do by Attorney) to answer the Action, if the Debt or Damage demanded be 20 l. or above, and to pay the Plaintiffs charges, before the *Outlary* be reversed. And, by a special *Capias Utlagatum* in the same Writ, the Sheriff is commanded, and may seize all the Defendants Lands, Goods, and Chattels for the contempt to the King; and the Plaintiff may (after an Inquisition taken thereupon, and returned into the Exchequer) obtain a Lease of the Lands extended, and a grant of the Goods, whereby to compel the Defendant to appear; which, when he shall do and reverse the Utlary, are to be restored to him. See *Old Nat. Br. fol. 154.* and *Table of Reg. Judic. verbo, Capias.*

Capias in Withernamium de Averis, Is a Writ lying for Cattle in Withernam. *Reg. of Writs, fol. 82. & 83.* See *Withernam*.

Capias in Withernamium de Homine, Is a Writ that lies for a Servant in Withernam. *Reg. fol. 79. & 80.* See *Withernam*.

Capias conductus ad proficiscendum, Is an Original Writ, which lies, by the Common Law, against any Soldier that hath covenanted to serve the King in his War, and appears not at the time and place appointed, directed to two of the Kings Serjeants at Arms to arrest, and take him wherefoever he may be found, and to bring him *Coram Consilio nostro*; with a Clause of Assistance, *4 Inst. fol. 128.*

Capito (from *Caput*, i. *Rex, unde tenere in Capite*, i. *Tenere de Rege, omnium terrarum Capite*) Was a Tenure which held of the King immediately, as of his Crown, were it by Knights Service or Soccage. *Broke tit. Tenures, 46, 94. Dyer, fol. 123. num. 38.* But, by Stat. 12 Car. 2. cap. 24. all Tenures by Knights Ser-

vice of the King, or of any other person, Knights Service in *Capite*, or Soccage in *Capite* of the King, and the Frauds and consequences thereof, are taken away and discharged from 24 Febr. 1645. And all Tenures of all Mannors, Lands, &c. held either of the King, or of any other person from that time, shall be construed and taken for ever to be turned into free and common Soccage. And all Tenures hereafter to be created by the King, upon any Gifts or Grants of Mannors, Lands, &c. are by that Statute ordained to be in free and common Soccage only, and not by Knights Service, or in *Capite*, and are to be discharged of all Wardship, &c.

Caption (Caption) When a Commission is executed, and the Commissioners names subscribed to a Certificate, declaring when and where the Commission was executed, that is called the *Caption*; which commonly begins thus —*Virtute istius Commissionis nos, &c.* Or *Excusio istius Commissionis patet in quadam Schedula annexata, &c.*

Capture (Captura) The taking a prey, a little gain; an Arrest, or Seizure. *Anno 14 Car. 2. cap. 14.*

Caput Baronum, Is the Castle or chief Seat of a Nobleman, which is not to be divided among Daughters (if there be no Son) but must descend to the eldest Daughter, *Ceteris filiabus aliundem sati facti.*

Caretta & Caretata, (Sax. *Cpet, unde Cart*) A Cart, or Cart-load. —*Faciens precarias de Caruca & Caretta, i. De aratro & carro. Custumar. Prior. Lewes, M. S.* — *Quinque Caretatas clausura, ad prædicta terra clausuram sustinendam. Mon. Angl. 2. par. fol. 340. a.*

Caretarius, A Carter. *Sciant quod ego Herewardus Pril Dedi* — *In liberam puram & perpetuam Eleemosynam Deo & Altari B. Mariae in Conventuali Ecclesia Leominstr. xii d. anni regis quod fuit Ricardi Caretarii, &c. sine Dat. Ex libro Cart. Priorat. Leominstr. See Carteta.*

Cark, Is a quantity of Wool, thirty whereof make a Sarpeler. *Anno 27 Hen. 6. cap. 2.* See *Sarpeler*.

Carno, Seems to signify an immunity or privileged. *Cromp. Jurisd. fol. 191.* Prior de Melton se & homines suos immunes clamat ab omnibus Americamentis in Foresta & ab omnibus Geldis, Footgeldis, Buckstals, Tritis, Carno & Sumag. &c. Itin. Pick. fol. 168 b. *Quare.*

Carpemeals, A coarse kind of Cloth, made in the North of England; and mentioned *Anno 7 Jac. cap. 16.*

Carreta (alias Carretta) Was anciently used for a Carriage, Wain or Cart-load. *Scient presentes & futuri, quod ego Henricus de Ribesford Dedi* — *Rogero filio Ade Pistori pro Homagio & Servicio suo totum pratum meum de Wiggemore. Reddend. inde annuatim mibi & hereditibus meis ipse & heredes sui unam Carretam*

tam fœni rationabiles & bene fœnata, &c.
Sine dat. Penes Tho. Bridgwater gen.

Carrick or Carrack (*Carrucha*) A Ship of great burthen; so called of the Italian word *Carcio* or *Carco*, a burden or charge. Mentioned 2 Rich.2. cap.4.

Cartel. See *Chartel*.

Carucage (*Carucagium*) As *Hidge* was a Taxation by Hides of Land; so *Carucage* was, by *Carucata s o: Land*. — Dederunt S. Edmundo de qualibet *Carucata terra* in toto Episcopatu quatuor Denarios annuos, quod usque modo, ea de causa, *Carucagium* est appellatum. Mon. Angl 1 par. fol. 294. a.

Carrucate or Carre of Land (*Carrucata terra*, of the Fr. *Carroue, i. aratrum*) Is a certain quantity of Land, by which the Subjects have sometimes been taxed; whereupon the Tribute so levied, was called *Carvagium*. Bratton, lib.2. cap.26. num.8.

Carucata t.rræ, A Plough Land, may contain Houses, Mills, Pasture, Meadow, Wood, &c. Coke on Littl. Selt.119. *Carrucata* is sometimes also used for a Cart-load, — *Una Carrucata ligni in Foresta nostra, qua appellatur defensa*. Mon. Angl. 2. par. fol. 311. a. Littleton, cap. Tenure in Soccage, saith that *Soca idem est quid Carraca*, a Soke or Plough-Land are all one. Yet Stow in his *Annals*, pag. 271. says, *The same King Henry took Carvage, that is two Marks of Silver of every Knights Fee, towards the Marriage of His Sister Isabel to the Emperor*: Where *Carvage* cannot be taken for a Plough-Land, except there were some other farther division, whereby to raise of every Plough-Land so much, and so consequently of every Knights Fee, that is, of every 680 Acres, two Marks o. Silver. Ristal, in his Exposition of Words, says, *Carvage* is to be quit, if the King shall tax all the Land by *Carves*, that is, a priviledge, whereby a Man is exempted from *Carvage*. Skene says, it contains as great a Portion of Land as may be labored and tilled in a year and day by one Ploagh, which also is called *Hilda* or *Hida terra*, a word used in the old British Laws. Lamb. in the end of his *Eirenarcha* translates *Carrucata terra*, a Plough-Land. The word *Carve* is mentioned in the Statutes of Wards and Relief, made 28 Edw.1. And in *Magna Char.* cap. 5. Anno 1200 facta est Pax inter Johannem Regem Anglia & P. Regem Francie, &c. Et mutuavit Regi Francie 30 millia Marcarum, pro quibus collectum est *Carvagium in Anglia*, scil. iii s. pro qualibet aratro. Ex Registro Priorat. de Dunstable in Bibl. Cotton. See Coke on Littl. fol. 69. a.

Cassatum & Cassata, *Habitaculum cum terra idonea ad unam familiam alendam; alias Casamentum; 3 Saxonibus nostris Hide; Beda, Familia.*

Ego Forterius, famulus famulorum Dei, pro redēptione animæ meæ, unum Cassatum dedi Aldberto Abbatii, quæ sita est justa fluvium Eſce, ad portam quæ dicitur Bledenith ad insulam parvam, & ad Ecclesiæ beati Martini Confessoris in propriam substantiam. Habendum,

Donandumque cuicunque voluerit. Qui hanc castam infringere temptaverit, sciāt Iesum a Communione Sanctorum separatum & ab omnipotenti Deo. + Ego Forterius consensit & subscripsit. Atta est autem hæc donatio Anno DCC. XII. Indictione prima. Ex Reg. Glaston: Canob. penes Rad. Sheldon Arm.

Castel (*Castellum*) Is well known. Certum est Regis Hen. 2. temporibus Castella 1115 in Anglia Extinse. Every *Castel* contains a Manor, so as every Constable of a *Castel*, is Constable of a Manor. 2 Part. Instit. fol. 31.

Castellain (Fr. *Chastellain*) The Lord, Owner, or Captain of a *Castel*, or sometimes the Constable of a *Castel*, or Fortified House. Bratton, lib.5. tract. 2. cap. 16. and Lib.2. cap. 32. num.2. And used in like sense, 3 Edw.1 cap.7. It is sometimes taken for him that hath the custody of one of the Kings Mansion Houses, though not a *Castel* or place of Defense. 2 Part. Inst. fol. 31. *Manwood*, Part. 1. pag. 113. saith, There is an Officer of the Forest called *Castellanus*, who had the command of all or part of the Forest. Of the use and extent of this Officer in France, see *Cotgraves Dictionary*, verbo *Chastellain*.

Castelward (*Castelgardum vel Wardum Castri*) Is an Imposition laid upon such as dwell within a certain compass of any *Castel*, towards the maintenance of such as watch and ward the *Castel*. *Magna Charta*, cap. 20. and 32 Hen.8. cap. 48. It is sometimes used for the very circuit it self, which is inhabited by such as are subject to this service; As in Stow's *Annals*, pag. 632. — *Et capere ibidem Castelward*, viz. *De qualibet distritione infra feodium ipsius Ducis expt. ad Casrum (de Halton) duci & ibidem una de causa, si per solam noctem pernoctaverit, quatuor Denar*. Pl. apud Cestriam, 31 Edw.3.

Casu consimili, Is a Writ of Entry, granted, where Tenant by Curtesy, or Tenant for Life, or for another's Life, Aliens in Fee or in Tail, or for term of another's life. And it takes name from this, that the Clerks of the Chancery did, by their common consent, frame it to the likenes of the Writ called *in Casu Provisio*, according to the Authority given them by the Stat. Westm. 2. cap. 24. Which (as often as there happens any new Case in Chancery, something like a former, yet not specially fitted by any Writ) authorises them to lay their Heads together, and to frame a new form, answerable to the new Case, and as like some former, as they may. And this Writ is granted to him in Reversion, against the party to whom the said Tenant so Aliens to his prejudice, and in the Tenants life time. The form and effect whereof, read more at large in *Fitz. Nat. Br.* fol. 206.

Casu Probito, Is a Writ of Entry, given by the Statute of Gloucester, cap. 7. in case where a Tenant in Dower, Aliens in Fee, or for Term of Life, or in Tail, and lies for him in Reversion against the Alienee, *Fitz. Nat. Br.* fol. 205.

Catal. See *Chatels*.

Catallis capitis nomine districtonis, Is a Writ that lies within a Borough, or within a House, for Rent going out of the same; and warrants a Man to take the Doors, Windows, or Gates, by way of Distress for the Rent. *Old Nat. Br. fol. 66.*

Catallis Reddendis, Is a Writ which lies, where Goods, being delivered to any Man to keep till a certain day, and are not upon demand delivered at the day. It may be otherwise called a *Writ of Delivery*. See more of it in the *Reg. of Writs*, fol. 139. and in *Old Nat. Br. fol. 63.* This is answerable to *Aetio Dispositi* in the Civil Law.

Catchpol (*Chacopolus & Cacepollus, quasi,* One that *catches* by the *Poll*) Though now taken as a word of Contempt, yet in ancient times, it was used, without reproach, for such as we now call *Sergeants of the Mace*, *Bailiffs*, or any other that use to Arrest Men upon any Action. *Anno 25 Edw. 3. Stat. 4. cap. 2.* — *Hospitalarii Tenant in Hereford unum Mesuagium quod Philipus filius Odonis tenuit per Scriantiam Chacopoli, quod eis legavit in puram eleemosynam.* Rot. de *Scriantia* in *Heref.* temp. *Hen. 3.* in custod Cambrar. Scaccarii.

Cathedzal. See *Church*.

Cathedzatick (*Cathedraticum*) Is a Sum of 2 s. paid to the Bishop by the Inferior Clergy, In Argumentum subjectionis & ob honorem *Cathedrae*. See *Hist. of Procurations and Synodals*, pag 82.

Caulceis (*Anno 6 Hen. 6. cap. 5.*) *Cau-*
cies, (1 Edw. 4. 1.) I think it should be written *Causways* from the old French word *Cauz*, now *Caillou*, a Flint, and is well known to signify ways pitched with Flint, or other Stone; in Lat. *Calceta — pro ponte & calceto reparand.* Pat. 18 Hen. 6. pag. 2. m. 22. I have also seen it written *Calceya*, *Casea*, and *Calsetum*, in old Records.

Caurfines (*Caurfini*) Were *Italians* by Birth, and came into *England* about the year 1235, terming themselves the *Popes Merchants*, driving no other trade then letting out Money, and had great Banks thereof in *England*, and differed little from *Jews*, save that they were rather more merciles to their Debtors. Some will have them called *Caurfines*, *quasi, Causa urfini*, *Bearish* and *cruel* in their Causes; others *Caurfini*, *quasi, Corrasini*, from scraping all together. The *Bishop of London* excommunicated them. See *Math. Paris*, p. 403.

Causam nobis significes, Is a Writ directed to a Major of a City, or Town, &c. who was formerly by the Kings Writ, commanded to give seisin to the Kings Grantee of any Lands or Tenements, and delays to do it, willing him to shew cause, why he so delays the performance of his duty. *Coke, lib. 4. Casu, Communaltie des Sadlers*, fol. 55. b.

Causa Matrimonii Prelocuti, Is a Writ, which lies in case where a Woman gives Lands to a Man in Fee, to the intent he shall marry her, and refuseth to do it in reasonable time,

being thereunto required. The form and further use of it, see in *Reg. of Writs*, fol. 233. and *Fitz. Nat. Br. fol. 205.*

Cautione admittenda, Is a Writ that lies against a Bishop, holding an excommunicate person in prison for his contempt, notwithstanding he offers sufficient Caution or Assurance to obey the Orders and Commandments of Ho'ly Church from thenceforth. The form and further effect whereof, see in *Reg. of Writs*, pag 66. and *Fitz. Nat. Br. fol. 62.*

Caya, A Key, or Water-lock; from the Saxon *Cæg*. See *Kay*.

Ceapgild (Sax. *Ceap, pecus & gild, solutio*) *Pecudis seu catali restitutio.*

Cellerarius alias Cellarius, *Officialis est in Monasterio qui fratrum stipendia servat & administrat.* M. S.

Century. See *Hundred*.

Cepi Corpus, Is a Return made by the Sheriff, upon a *Capias* or other Process for the like purpose, that he hath taken the Body of the party. *Fitz. Nat. Br. fol. 26.*

Cerage (*Ceragium*) See *Waxshot*.

Cert Money (*quasi, Certain Money*) Head-money or Common Fine, paid yearly by the Residents of several Mannors to the Lords thereof, *Pro certo Letta*, for the certain keeping of the *Letta*, and sometimes to the Hundred. As the Manner of *Hook*, in *Dorsetshire*, pays *Cert-money* to the *Hundred* of *Egerton*. This in ancient Records is called *Certum Letta*. See *Common Fine*.

Certificat (Lat.) Is used for a Writing made in any Court to give notice to another Court of any thing done therein. For example, a *Certificat* of the cause of *Attam* is a Transcript made briefly by the Clerk of the Crown, Clerks of the Peace, or of Assise, to the Court of *Kings Bench*, containing the Tenor and Effect of every Indictment, Outiary, or Conviction, or Clerks attainted, made or pronounced in any other Court, *Anno 34 H. 8. cap. 14.* Broke, fol. 119.

Certification of Assise of Nobel Disseisin, &c. (*Certificatio Assise nova Disseisin, &c.*) Is a Writ granted for the reexamining or review of a matter passed by Assise before any Justices. Of which see *Reg. of Writs*, fol. 200. And the *New Book of Entries, verbo, Certificat of Assise*. This is used, when a Man (appearing by his Bailiff to an Assise brought by another, hath lost the day; and having something more to plead for himself, as a Deed of Release, &c. which the Bailiff did not, or might not plead for him) desires a further examination of the cause, either before the same Justices, or others; and obtains Letters Patent to them to that effect. (The Form of which Letters, see in *Fitz. Nat. Br. fol. 181.*) and that done, brings a Writ to the Sheriff, to call both the party for whom the Assise passed, and the Jury that was empanelled on the cause, before the said Justices at a certain day and place. And it is called a *Certificat*, because therein mention is made to the Sheriff, that upon the parties complaint of the Defective Examination,

Examination, or Doubts yet remaining upon the Assise passed, the King hath directed His Letters Patent to the Justices, for the better certifying themselves, whether all Points of the said Assise were duly examined. Of this read *Braſton*, lib. 4. cap. 19. num. 4. and *Horns Mirror*, lib. 3.

Certificando de recognitione Stapulae, Is a Writ directed to the Major of the Staple, &c. commanding him to certifie the Lord Chancellor of a Statute Staple taken before him, in case where the party himself detains it, and re uſt h to bring it in. *Reg. of Writs*, fol. 152. b. The life may be understood of *Certificando d: Statuto Mercatorio*, fol. 148. And *De Certificando in Cancellariam de Inquisitione de Illempititate nominis*, fol. 195. And *Certificando quando Recognitio*, &c. And *Certificando quid adum est de brevi Juper Statutum Mercatorium*, fol. 151. And *Certificando si loquela Warrantia*, fol. 13.

Certiorari, Is a Writ, issuing out of the Chancery to an Inferior Court, to call up the Records of a Cause there depending, that conſionable Justice may be done therein, upon complaint made by Bill, that the party, who seeks the ſaid Writ, hath received hard dealing in the ſaid Court. See the divers Forms and Uſes of it in *Fitz. Nat. Br.* fol. 242. As also the Register, both *Original* and *Judicial* in the Tables, *verbis*, *Certiorari*. *Crompton*, in his *Justice of Peace*, fol. 117. fays, This Writ is either returnable in the Kings Bench, and then hath these words (*Nobis mittatis*) or in the Chancery, and then hath in *Cancellaria nostra*, or in the *Common Bench*, and then, *Justiciariss nostra de Banco*.

Ceffabit, Is a Writ that lies in divers Cases, as appears by *Fitz. Nat. Br.* fol. 280. Upon this general ground, i. That he againſt whom it is brought, hath for two years neglected to perform ſuch Service, or to pay ſuch Rent, as he is tied to by his tenure, and hath not upon his Land or Tenements ſufficient Goods or Cattle to be distrained. See *Fleta*, lib. 5. cap. 34. ſett. viſa ſunt. See *Ceffavit de Cantaria*. *Ceffavit de feodi firmis*. *Ceffavit per biennium*, in *Reg. of Writs*, fol. 237, 238. And *New Book of Entries*, *verbis*, *Ceffavit*. It lies not, but for Annual Service, as Rent, and ſuch like, not for Homage or Fealty.

Ceffes (*Anno 22 Hen. 8. cap. 3.*) Seems to ſignify Aſſessments or Taxes. *Ceffe* or *Ceafe* in *Ireland*, is an exaction of Provision of Viſtuals at a certain rate for the Deputies Family, and the Soldiers in Garifon. *Sir Rich. Bakers Chron.* fol. 376.

Ceffion (*Ceffi*) A ceaſing, yielding up or giving over. *Si un Farfon ou Dean en Angleterre priſt un Evesquery en Ireland, ceo fait le premier Eſglife void per Ceffion*. *Latches Rep.* fol. 234. — *Ratione vacationis Prioratus prædicti, per Ceffionem Fratris Rogeri de Wellington, ultimi Prioris*, &c. *Claus. 13 Edw. 3. pag. 1. m. 38.*

Cefſor (Lat.) A loyterer or idle fellow;

but we uſe it for him who ceaſeth, or neglects ſo long to perform a duty belonging to him, as he thereby incurſ the danger of Law, and is liable to have the Writ *Ceffis* brought againſt him. *Old Nat. Br. fol. 1. 36.* And note where it is ſaid *The Tenant ceaſeth*, without any more words, is to be understood, that the Tenant ceaſeth to do what he ought, or is bound to do by the Tenure of his Lands or Tenement.

Ceffure or Ceffor, Is also uſed for a ceaſing; giving over, or departing from. *Westm. 2. cap. 41.*

Ceftui qui vie (in true French, *Ceftui à vie de qui*) Is he for whose life any Land or Tenement is granted. *Perkins, tit. Grants*, 97.

Ceftui que uſe (an Abſtract of the Fr. *Ceftui al uſe de qui*) Is an uſual phrase, ſignifying him to whose uſe any other Man is enfeoffed in any Lands or Tenements. See the *New Book of Entries*, *verbis*, *Uſes*. And in *Replevin*, fol. 508. colum. 3. and, *verbis*, *Trefpaff*, fol. 606. and fol. 123. a. b. col. 3. num. 7. *Anno 1 Rich. 3. cap. 1.* and *Coke, lib. 1. fol. 133.* *Anno 12 Car. 2. cap. 30.*

Ceftui qui truſt, Is he who hath a truſt in Lands or Tenements committed to him for the benefit of another. *Anno 12 Car. 2. cap. 30.*

Chafewar, Is an Officer in Chancery, that fits the Wax for the Sealing of the Writs, and ſuch other Instruments as are there made to be issued out. So in France, *Calſactores cera ſunt*, qui regiſt literis in *Cancellaria ceram imprimunt*. *Corafius*.

Chaffers (*Anno 3 Edw. 4. cap. 4.*) Seem to ſignify Wares or Merchandize; for Chaffering is yet uſed for buying and ſelling.

Chaldzon or Chalder of Coals, Contains Thirty six Bushels heap'd up, and according to the Bushel ſealed for that purpose at *Guildhall in London*. *Annis 16 & 17 Car. 2. cap. 2.* It is written *Chaudren*, *Anno 9 Hen. 5. cap. 10.* perhaps from the Fr. *Chaud*, i. hot.

Challenge (from the Fr. *Chalenger*, i. ſibi aſſerere) Is uſed for an Exception taken, either againſt persons or things; Persons, as, in Aſſize, to the Jurors, any one, or more of them; or in case of Felony, by the Prisoner at the Bar, *Braſton*, lib. 2. tract. 2. cap. 22. *Things*, as againſt a Declaration. *Old Nat. Br. fol. 76.*

Challenge to the Jurors, Is either made to the Array, or to the Polls: To the Array is, when the whole number is excepted againſt, as partially empanelled: To, or by the Poll, is when ſome one or more are excepted againſt, as not indiffernt. **Challenge to the Jurors**, is also divided into **Challenge Principal**, and **Challenge per Cauſe**, i. Upon Cauſe or Reason. **Challenge Principal**, otherwife called **Peremptory**, is that which the Law allows without cause alledged, or further examination. *Lamb. Eiren. lib. 4. cap. 14.* As a prisoner at the Bar, arraigned upon Felony, may peremptorily **Challenge** 20, one after another, of the Jury empanelled upon him, alledged no cauſe, but his own diſlike,

and they shall be still put off, and new taken in their places. But in case of High Treason, no Challenge Peremptory is allowed. Anno 33 Hen. 8. cap. 23. Yet there seems to be a difference between Challenge Principal, and Challenge Peremptory; this being used only in matters criminal, and barely without cause alleged, more than the prisoners own fancy. *Stamp. Pl. Cor. fol. 124.* That, in civil actions for the most part, and with assigning some such cause of Exception, as, being found true, the Law allows. For example, if either party allege, That one of the Jurors is the Son, Brother, Cousin, or Tenant to the other, or married his Daughter; this Exception is good (if true) without further examination of the parties credit. How far this Challenge upon Kinred extends, see in *Plowden, Casu Vernon, fol. 425.*

Also in the Plea of the Death of a Man, and in every Real Action, and in every Action Personal, where the Debt or Damages amount to forty Marks, it is a good Challenge to any Juror, that he cannot dispend 40s. per annum of Freehold, Anno 11 Hen. 7. cap. 21. The ground of this Challenge, you may see in *Fleta, lib. 4. cap. 8.* Challenge upon Reason or Cause, is, when the party does allege some such Exception against one, or more of the Jurors, as is not forthwith sufficient, upon acknowledgment of the truth of it, but rather arbitrable and considerable by the rest of the Jurors; as, if the Son of the Juror have married the Daughter of the adverse party. *Kitchin, fol. 92.* where you may read, what Challenges are commonly accounted Principal, and what not. See the *New Book of Entries*, on this word Challenge; which was anciently Latined by *Calumnia*, as appears by *Braeton, lib. 3. tract. 4. cap. 18.* See *Coke on Littleton, fol. 156, 157, &c.* and *Calangium.*

Chamberdekins or **Chaumberdakins**, Were certain Irish begging Priests, banished England. Anno 1 Hen. 5. cap. 7, 8.

Chamberer, Is used for a Chamber-maid. Anno 33 Hen. 8. cap. 21.

Chamberlain (*Camerarius*) Is diversly used in our Chronicles, Laws, and Statutes; as *Lord Great Chamberlain of England*, *Lord Chamberlain of the Kings House*; *the Kings Chamberlain* (Anno 13 Edw. 3. cap. 41. — 17 Rich. 2. cap. 6.) to whose Office it especially appertains to look to the Kings Chambers and Wardrobe, and to govern the under Officers belonging thereto. *Fleta, lib. 2. cap. 67.* *Chamberlain of any of the Kings Courts*, 7 Edw. 6. cap. 1. *Chamberlain of the Exchequer*, 51 Hen. 3. Stat. 5. and 10 Edw. 3. cap. 11. *Chamberlain of North-Wales*. *Stow*, pag. 641. *Chamberlain of Chester*, and *Chamberlain of the City of London*. *Crompt. Jurisd. fol. 7.* To which Chamberlainships of London and Chester, do belong the receiving all Rents and Revenue appertaining to those Cities; and to the *Chamberlain of Chester*, (when there is no Prince of Wales, and Earl of Chester) the receiving and return-

of all Writs coming thither out of any of the Kings Courts.

There are two Officers of this name in the *Exchequer*, who keep a Controlment of the Pells of Receipt and Exitus, and certain Keys of the Treasury and Records, and the Keys of the Treasury, where the Leagues of the Kings Predecessors, and divers ancient Books, as *Domesday*, and the *Black Book* of the *Exchequer* remain. This Officer is mentioned in the Statute 34 & 35 Hen. 8. cap. 16. There are also *Under Chamberlains* of the *Exchequer*, which see in *Under Chsmberlain*. The Latin word seems to express the Function of this Officer; For *Camerarius dicitur a Camera* (i. *Testudine fere fornice*) *quia custodit pecunias, qua in Cameris principue reservantur.*

Champarti (from the Fr. *Champ*, a Field, and *Parti*, divided; because the Field or Land in question, is commonly divided between the *Champartor*, who maintains the suit, and the person in whose name and right he sues) Signifies a Maintenance of any Man in his suit, upon condition to have part of the thing (be it Land or Goods) when it is recovered. This seems to have been an ancient grievance in our Nation; for notwithstanding the several Statutes of 3 Edw. 1. cap. 25. — 13 Edw. 1. c. 49. — 28 Edw. 1. c. 11. 33 Edw. 1. Stat. 2 & 3. and 1 Rich. 2. cap. 4. And a Form of Writ framed to them; yet 4 Edw. 3. cap. 11. it was again Enacted, That whereas a former Statute provided Redress for this in the *Kings Bench* only (which in those days followed the Court) from thenceforth it should be lawful for Justices of the *Common Pleas*, and Justices of *Affise*, in their Sessions, to enquire, hear, and determine this, and such like Cases, as well at Suit of the King, as of the Party. How far this Writ extends, and the divers Forms of it applied to several Cases, see *Fitz. Nat. Br. fol. 171.* *Reg. of Writs, fol. 183.* And *New Book of Entries*, verbo, *Champarti*. Every *Champarti* implies a Maintenance, *Crompt. Jurisd. fol. 39.* See also 2 Part. *Inst. fol. 208.*

Champartors, *We they, who move Pleas or Sutes, or cause them to be moved, either by their own procurement, or by others, and sue them at their proper costs, to have part of the Land in variance, or part of the gains.* Anno 33 Edw. 1. Stat. 2. in fine.

Champion (*campio*) Is taken not only for him, that fights the Combat in his own case, but for him also that does it in the place or quarrel of another. *Braeton, lib. 3. tract. 2. cap. 21. num. 24.* who also seems to use this word for such as held of another by some service; as, *Campiones faciens Homagium Domino suo*, lib. 2. cap. 35. *Hottoman de verbis feudalibus*. Defines it thus, *Campio est Certator pro alio datus in duello, a Campo dictus, qui circuus erat decentantibus definitus.* And therefore it is called *Campfight*. See *Combat*, and *Sir Edward Billes Notes upon Upton*, where fol. 36. you will finde that *Henrica de Fernburg*, for thirty Marks Fee, did

did by a Charter under his Seal, Covenant to be *Champion* for Roger, Abbot of *Glastonbury*. Anno 42 Hen 3. see 3 Inst. fol. 221.

Champion of the King (*Campio Regis*) Whose Office is, at the Coronation of our Kings, to ride into *Westminster Hall* armed Cap-a-pe, when the King is at dinner there, and throw down his Gant'et by way of Challenge, pronounced by a Herauld; That if any Man shall deny or gainsay the Kings title to the Crown, he is there ready to defend it in single Combat, &c. Which being done, the King drinks to him, and sends him a gilt Cup with a Cover full of Wine, which the Champion drinks, and hath the Cup for his Fee.

This Office (ever since the Coronation of King Richard the Second, when *Baldwin Freville* exhibited his Petition for it) was adjudged from him to Sir *John Dymock*, his Competitor (both claiming from *Marmion*) as producing better Records and Evidence; and hath continued ever since in the worthy family of *Dymock*, who hold the Mannor of *Scrivelsby* in *Lincolnshire*, hereditarily from the *Marmions*, by Grand Sergeanty, viz. That the Lord thereof shall be the Kings *Champion*, as above-said. *Camd. in part. Fin. Mich. 1 Hen. 6.* Accordingly Sir *Edward Dymock* performed this Office at the Coronation of His Majesty, King Charles the Second, 23 April, 1661.

Chancellor (*Cancellarius*) This Officer in late times is greatly advanced, not only in our, but in other Kingdoms: For he is the chief Administrator of Justice, next to the Sovereign. All other Justices in this Kingdom are tied to the Law, and may not swerve from it in Judgment; but the Chancellor hath the Kings absolute power to moderate the Written Law, governing his Judgment by the Law of Nature and Conscience, and ordering all things *juxta aquum & bonum*. Wherefore *Stanford* (in his *Prerog.* cap. 20, fol. 65.) says, The Chancellor hath two powers, one absolute, the other ordinary; meaning, that, though by his ordinary power in some cases, he must observe the form of proceeding, as other Inferior Judges, yet in his absolute power, he is not limited by the Written Law, but by Conscience and Equity, according the Circumstances of Matter. And though *Polydor Virgil*, an alien, undertaking to write the History of *England*, supposed he did not mistake, when he makes our *William the Conqueror*, the Founder of our Chancellors; yet our industrious Antiquary Mr. *Dugdale* can shew us his Error in the many Chancellors of *England*, long before that time, which are mentioned in his *Origines Juridiculares*, and Catalogue of Chancellors, whose great Authorities under their Kings, were in all probability drawn from the reasonable Customs of Neighbor Nations, and the Civil Law.

He that bears this Magistracy, is called *The Lord Chancellor of England*, and is made so Per traditionem magni Sigilli sibi per Dominum Regem, and by taking his Oath. And by the

Statute 5 Eliz. cap. 18. the *Lord Chancellor* and *Keeper*, have one and the same Power; and therefore since that Statute, there cannot be a *Lord Chancellor*, and *Lord Keeper*, at one and the same time, but before there might, and hath been. Yet see *Keeper* See *Fleta*, lib. 2. cap. 12, 13. and *Cokes 4 Instit.* fol. 78, 79. Divers Inferior Officers are also called *Chancellors*; As

Chancellor of the Exchequer (*Anno 25 Hen. 8. cap. 16.*) Whose Office hath been thought by many to have been created for the qualiting extremities in the *Exchequer*: He sits in the Court, and in the *Exchequer Chamber*, and with the rest of the Court, orders things to the Kings best benefit. He is always in Commission with the *Lord Treasurer*, for letting the Lands that came to the Crown by the dissolution of Abbeys, or otherwise; and hath by the Statute of 33 Hen. 8. cap. 39. power with others, to compound for the Forfeitures upon Penal Statutes, Bonds, and Recognizances, entred unto the King: He hath also a great Authority and Juriidiction in the manage and dispose of the Royal Revenue, and concerning the First Fruits, as appears by the Acts for uniting them to the Crown.

Chancellor of the Duchy of Lancaster, (*Anno 3 Edw. 6. cap. 1.* and *Anno 5 Ejusdem, cap. 26.*) Whose Office is principal in that Court, to judge and determine all Controversies between the King, and His Tenants of the Duchy-Land, and otherwise to direct all the Kings Affairs belonging to that Court.

Chancellor of the Order of the Garter. *Stows Annals*, pag. 766. **Chancellor of the Universities**, *Anno 9 Hen. 5. cap. 8.* and *Anno 2 Hen. 6. cap. 8.* **Chancellor of the Court of Augmentations**, 27 Hen. 8. cap. 27. — 32 *Ejusdem, cap. 20.* & 33 *Ejusdem, cap. 39.* **Chancellor of the First Fruits**. 32 Hen. 8. cap. 45. **Chancellor of Courts**. 32 Hen. 8. cap. 28. **Chancellor of the Diocese**, 32 Hen. 8. cap. 15, &c.

Chance medley (from the Fr. *Chance*, i. *Lapsus* and *Misler*, i. *Miseere*) Signifies the casual slaughter of a Man, not altogether without the fault of the slayer. *Stanf. Pl. Cor. lib. 1 cap. 8.* calls it homicide by misadventure. *West* calls it *Homicide mixt* (Part. 2. *Symbol. tit. Indictments, Sect. 5.*) and there defines it thus; *Homicide mixt* is, when the Killers ignorance or negligence is joyned with the *Chance*; As if a Man lop Trees by a Highway side, by which many usually travel, and cast down a bough, not giving warning to beware of it, by which bough one passing by, is by chance slain. In this case he offends, because he gave no warning, that the party nigh have taken better heed. See *Skene, verbo, Melletum*, who says this is called *Chaudmelle* in *Scotland*.

Chancery (*Cancellaria*) Is the Grand Court of Equity and Conscience, moderating the rigor of other Courts most strictly tied to the Letter of the Law, whereof the *Lord Chancellor of England*, is the chief Judge. *Crompt. Jurisd. fol. 41.* or else the *Lord Keeper* of the Great

Great Seal, since the Statute of 5 Eliz. cap. 18. The Officers belonging to this Court, are the Lord Chancellor or Keeper of the Great Seal, who is sole Judge here; the Master of the Rolls, (anciently called *Gardein des Rolls*) who in the Lord Chancellors absence, heareth Causes and gives Orders, 4 Inst. fol. 97. Twelve Masters of the Chancery, who are Assistants, and sit by turns on the Bench; the Six Clerks, who have each of them about Fifteen Clerks under them, in nature of Attorneys in the Court; Two chief Examiners, who have five or six Clerks a piece; One chief Register, who hath usually four or five Deputies. The Clerk of the Crown, the Warden of the Fleet, the Usher, Sergeant at Arms, and Crier of the Court; the Cursitors and their Clerks; the Clerks of the Petty-Bag; the Clerk of the Hanaper, the Comptroller of the Hanaper; the Clerk of Appeals; the Clerk of the Faculties; the Scaler, the Chafe-Wax; the Clerk of the Patents, Clerk of Presentations, Clerk of Dismissions, Clerk of Licences to alienate, Clerks of the Enrolments, Clerks of the Protests, Clerk of the Subpenas, Clerk of the Affidavits, &c. which see described in their several places. See *Cokes 4 Inst. fol. 82.*

Changer. Is an Officer belonging to the Kings mint, whose Function chiefly consists, in exchanging Coyn for Bullion, brought in by Merchants, or others. Anno 2 Hen. 6. cap. 12. where it is written (after the old way) *Chaugerour.*

Chantry. See *Chaustry.*

Chapel (*Capella*) Fr. *Chapelle*, i. *edicula*) Is of two sorts, either adjoining to a Church, as parcel of it, which persons of quality build, *Ut ibidem familiaria Sepulchra sibi constituant*; or else separate from the Mother Church, where the Parish is wide, and is commonly called a *Chappel of Ease*; because it is built for the ease of one or more Parishioners that dwell far from the Church, and is served by some Inferior Curate, provided at the charge of the Rector, or of him that hath benefit by it, as the Composition or Custom is.

There is also a *Free Chappel*, which seems to be such as hath perpetual maintenance towards the upholding it, and the Curates stipend, by some Lands or Rents charitably bestowed on it, without the charge of the Rector or Parish. Anno 37 Hen. 8. cap. 4. Anno 1 Edw. 6. cap. 14.

Chapelry (*Capellania*) Is the same thing to a *Chappel*, as Parish is to a Church, i. The Precinct and Limits of it. Mentioned in the Stat. 14 Car. 2. cap. 9. —*Capellania Sancti Oswaldi*, Mich. 32 Edw. 1. *Coram Rege*, Glouc.

Chaperon (Fr.) A Hood or Bonnet, mentioned in the Stat. 1 Rich. 2. 17. And among Heraldic, it is that little Escocheon, which is fixed in the forehead of the Horses that draw the Herse at a Funeral.

Chapters (Lat. *Capitula*, Fr. *Chapitres*, i. The Chapters of a Book) Signifies a Sum-

mary or Content of such Matters as are to be enquired of, or presented before Justices in Eyre, Justices of Assize, or of Peace in their Sessions. Thus it is used Anno 3 Edw. 1. cap. 27. —And that no Clerk of any Justice, Escheator, or Commissioner in Eyre, shall take any thing for delivering Chapters, but only Clerks of Justices in their Circuits. And again, Anno 13 Hys/dem, cap. 10. —**The Sheriff** shall certify the Chapters before the Justices in Eyre, how many Writs he hath, and what. &c. Britton (cap. 3.) useth the word in the same signification. Chapters are now most usually called *Articles*, and are delivered by the Mouth of the Justice in his Charge, to the Enquest; whereas in ancient time (as appears by *Eraton* and *Britton*) they were (after an Exhortation given by the Justices for the good observation of the Laws, and Kings peace) first read distinctly in open Court, and then delivered in writing to the Grand Enquest, which the Grand Jury or Enquest were likewise to answer upon their Oaths, Affirmatively or Negatively, and, not as they do now, put the Judges to make long and learned Charges to little, or no purpose, and forswearing or wilfully not rememb'ring their Knowledge of Transg'resors, against the Design and Enquiry of those *Articles*, do think their Oaths and Duty to God and the King, and their Country, well enough satisfied and performed, if they only present those few, of many more, Misdemeanors, which are brought unto them by way of Indictments. The same Order of *Articles*, Lambert wishes might still be observed. Lireb. lib. 4. cap. 4. pag. 393. Horn (in his *Mirror of Justices*) calls them *Articles*, and expresses what they were wont to contain. Lib. 3. cap. Des *Articles in Eyre.*

Chaplain or **Chapellain** (*Capellanus*) Is now most commonly taken for him, who is depending on the King, or other Noble person, to instruct him and his family in Spirituals, and say Divine Service in his house, where commonly they have a private Chappel for that purpose. As Anno 21 Hen. 8. cap. 13. which ordains what person may privilege one or more *Chaplains* to discontinue from their Benefices, in respect of their particular service.

Chapter (*Capitulum*) Signifies Congregationem Clericorum in Ecclesia Cathedrali, Conventuali, regulari vel Collegiata, and in another sense, *Locum in quo sunt communis tractatus Collegiorum*. It hath other significations, not worth mentioning here, which you may read in *Linswoods Provin. Gloss. verbo, Capitulum*. This Collegiat Company or Corporation, is Metaphorically termed *Capitulum*, (signifying originally a little Head) it being a kind of Head, not only to rule and govern the Diocese, in the Vacancy of the Bishoprick, but also in many things to advise the Bishop, when the See is full. See *Panormitan*, in cap. *Capitulum extra de rescriptis*. —*Ad Dedicaciones, ad Synodos, ad Capitula venientibus*

Sit summa Pax. LL. Edwardi Confess. cap. 3.

Charre of Lead. La Charre de plumbo constat ex 30 formelis, & qualibet formella continet 6 Petras, exceptis duabus libris, & quilibet Petra constat ex 12 libris. Alisa de ponderibus Rob. 3 R. Scott. cap. 22. sect. 2.

Chart (*Charta*) Paper, Parchment, or any thing to write on; also a Card, mentioned 14 Car. 2. cap. 33. See *Charter*.

Chartel (Fr. *Cartel*) A Letter of Defiance, or a Challenge to a (single) Combat: In use when those Combats were in practise, to decide difficult, and not otherwise to be determined Controversies in Law.

Charter (*Charta*, Fr. *Chartres*, i. *Instruments*) Is usually taken for written Evidence of things done between Man and Man. Whereof *Braeton*, lib. 2. cap. 26. num. 1. says thus, *Fint aliquando Donationes in scriptis, sicut in chartis, ad perpetuam rei memoriam, propter brevem hominum vitam* — And (Num. 12.) & sciendum quod *Chartarum alia regia, alia privatorum; & regiarum, alia privata, alia communis, & alia universalis*. Item, *privatorum alia de puro Feoffamento & simplici, alia de Feoffamento conditionali & five conventionali, & secundum omnia genera Feoffamentorum fieri potest*. Item *privatorum alia de recognitione pura vel conditionali*. Item *alia de quiete clamantia, & de confirmatione, &c.* Britton likewise in his 29 Chapter, divides Charters into those of the King, and those of private persons.

Charters of the King, are those whereby the King passeth any Grant to any person or more, or to any Body Politick; as a *Charter of Exemption*, that a Man shall not be empanel'd upon any Jury. *Kitchin*, fol. 314. and 17.

Charter of Pardon, whereby a Man is forgiven a Felony, or other offence committed against the Kings Crown and Dignity. *Brook*, tit. *Charter of Pardon*.

Charter of the Forest, wherein the Laws of the Forest are comprised. Anno 9 Hen. 3. *Cromp. Jurisd.* fol. 147. *Pupilla oculi*. par. 5. cap. 22 *Manwood*, pag. 1. fol. 1. Where he sets down the Charters of *Canutus*, and fol. 17. that which was made 19 Hen. 3. with the *Charter of the Forest*. Of these Charters you have also a long discourse in *Eleta*, lib. 3. cap. 14. Who particularly expounds every substantial part of a Deed of Gift. See *Magna Charta*.

Charter-land (*terra per Chartam*) Is such as a Man holds by *Charter*, that is by evidence in writing, otherwise called *Freehold*. Anno 19 Hen. 7. cap. 12. and *Kitchin*, fol. 86. This in the Saxon's time was called *Bocland*, which was held (according to *Lambert* in his Explication of those words, *Verbo, Terra ex scripto*) with more commodious and easier conditions, then *Folkland* was; that is, Land held without writing; because that was *Hæreditaria libera atque immunis*; whereas, *Fundus sine scripto censum penitabat annum, atque officiorum quadam servitute est obligatus*; *Priorem viri plerunque nobilis atque ingenui, posteriorem rustici feret* &

pagani possilebant. Illam nos vulgo Freehold & per Chartam; banc ad voluntatem Domini appellamus. Thus Lambert.

Charter-party (Lat. *Charta partitæ*; Fr. *Charire-parts*, i. A Deed or Writing divided) Is that among Merchants and Seafaring men, which we commonly call a Pair of *Indentures*, containing the Covenants and Agreements made between them, touching their Merchandise and Maritime Affairs. Anno 32 Hen. 8. cap. 14. and 12 Car. 2. cap. 18. *Latches Rep. fol. 225. Ballo's Case*, and 2 Inst. fol. 673.

Chartis Reddendis, Is a Writ which lies against him that hath Charters of Feoffment entrusted to his keeping, and refuseth to deliver them. *Old Nat. Br. fol. 66. Reg. of Writs, fol. 159.*

Chase, (Fr. *Chasse*) Signifies two things: First, a driving Cattle to, or from any place; as to *chase* a Distress to a Fortlet. *Old Nat. Br. fol. 45*. Secondly, it is a place of Receipt for Deer, and Wilde Beasts, of a middle nature between a Forest and a Park, being commonly less than a Forest, and not endued with so many Liberties, as the Courts of *Attachment*, *Swain-mote*, and *Justice-seat*; and yet of a larger compass, and stored with greater diversity, both of Keepers and Wilde Beasts, or Game, then a Park. *Crompton* in his *Jurisd.* fol. 148. says, *A Forest cannot be in the hands of a Subject, but it forthwith loseth its name, and becomes a Chase*; and yet fol. 197. he says, *A Subject may be Lord and owner of a Forest*, which though it seems a contradiction, yet both sayings are in some sort true. For the King may give or alienate a Forest to a Subject, yet so, as when it is once in the Subject, it loseth the true property of a Forest; because the Courts called the *Justice-seat*, *Swain-mote*, and *Attachment*, do forthwith vanish; none being able to make a Lord Chief Justice in *Eyr* of the Forest, but the King; as *Manwood* well observes Par. 2. cap. 3. & 4. Yet it may be granted in so large a manner, as there may be *Attachment*, *Swain-mote*, and a Court equivalent to a *Justice Seat*, as appears by him in the same Chapter, num. 3. So that a *Chase* differs from a Forest in this, because it may be in the hands of a Subject, which a Forest, in his proper and true nature, cannot; and from a Park, in that it is not enclosed, and hath not only a larger compass, and more variety of Game; but of Keepers also, and Officers. See *Forest*.

Chattels or Catts (*Catallia alias Capitata*) Comprehend all Goods moveable and immovable, except such as are in nature of Freehold, or parcel of it, as may be collected out of *Stamf. Prærog.* cap. 16. and Anno 1 Eliz. cap. 2. Yet *Kitchin*, fol. 32. says, That Money is not to be accounted Goods or *Chattels*, because it is not of it self valuable; nor Hawks and Hounds, for they are *Fera naturæ*. *Chattels* are either *personal* or *real*. *Personal*, may be so called in two respects: One, because they belong immediately to the person of a

Man, as a Bow, Horse, &c. The other, for that being any way injuriously withheld from us, we have no means to recover them, but Personal Actions. *Chattels real*, are such as either appertain not immediately to the person, but to some other thing by way of dependency, as a Box with Charters of Land, Apples upon a Tree, or a Tree it self growing on the Ground. *Cromp. Just. of Peace*, fol. 33. or else such as are issuing out of some immovable thing to a person, as a Lease or Rent for term of years. See *Bracton*, lib. 3. cap. 3. num. 3. ¶ 4. *Chattels* are bona quaeunque mobilia & immobilia; proprietatem tamen ea bonorum pars, qua in animalibus consistit, a quorum capitibus, res ipsa alias capita alias capitalia dicta sunt. *Spelman.*

Chaumpert. — *Et quod tam prædictæ xx. virgata terre, quam terra, unde dictæ quaterzigni quarteris frumentis annua proveniunt, de nobis in Capite, per scriptum, vocatum Chaumpert, viz. Undecima garba, nobis per manus tenentium terrarum earendem, annuatim solvenda, tenentur.* Pat. 35 Edw. 3. pag. 2. m. 18. Hospital. de Bowes infra Insulam de Cerneshy.

Chaunce-medley. See *Chance-medley*.

Chaunter (*Canitator*) A Singer in the Quire. Anno 13 Eliz. cap. 10. At S. Davids in *Cembrokeshire*, the Chaunter is next to the Bishop, for there is no Dean. *Cam. Britan.*

Chauntry (*Cantaria*) *Ades sacra*; ideo instituta & dotata prædicti, ut Missa ibidem cantetur pro anima fundatoris & propinquorum ejus. These were usually little Chapels or particular Altars in some Cathedral or Parochial Church, and endowed with Land, or other Revenue, for the maintenance of one or more Priests, to officiate as abovefaid. Mentioned 37 Hen. 8. cap. 4. — 1 Edw. 6. c. 14. & 15 Car. 2. cap. 9. Of these Chantries, there were forty seven belonging to S. Pauls Church in London; for which, see Mr. Dugdales History of that Church.

Sciant — *quod ego Reginaldus Suard dedi Willielmo Crumpe Capellano Cantariæ beata Maria de Yarpol unam parcellam pastura, &c. Dat. apud Leominstre die Maris prox. post Festum Sancti Hillarii, Anno 7 Hen. 5.*

Chatodzen of Sea-Coals. Anno 9 Hen. 5. cap. 10. See *Chaldron*.

Check-Roll, Is a Roll or Book, containing the names of such as are attendants, and in pay to the King, or other great persons, as their Household-servants. Anno 19 Car. 2. cap. 1. It is otherwise called the *Chequer Roll*, Anno 24 Hen. 8. cap. 13. Anno 3 Hen. 7. cap. 13. And seems to be a word abstracted, or derived from the *Exchequer*, which vide. *Clerk of the Check*, see in *Clerk*.

Chemin. See *Chimin*.

Chensers (Anno 27 H. 8. cap. 7.) *Quare If not such as paid tribute or Cense; Quit-rent, or Cheif Rent; For so the Fr. Censier signifies.*

Cherset. See *Churchesett*.

Chebage (*Chevagium*, from the Fr. *chef*,

i. caput) Signifies a Tribute, or sum of Money formerly paid by such as held Lands in Villanage or otherwise, to their Lords in acknowledgement; and was a kind of Head, or Polli-Money. Whereof *Bracton*, lib. i. cap. 10. says thus, *Chevagium dicitur recognitio in signum subjectionis & Dominii de capite suo.* It seems also to be used for a sum of Money, yearly given to a Man o' power, for his Countenance and Protection, as to their cheif Head or Leader. *Lambert* (lib. 2. cap. 5. *Eirenarch.*) writes it *Chevage*, we now call it *Chiefage*. *Eft & apud Wallos Chevagium genus quod Amabz vocant, Principi Wallia pro maritandis filiabus, olim ab omnibus (ut afferunt) hodie a quibusdam (etiam liberis) persolutum*, says *Spelman* on the word *Chevagium.* See *Coke on Little. fol. 140.*

Chebundance (Fr. *Chevissance*) An Agreement or Composition made; an End or Order set down between a Creditor and a Debtor; sometimes taken for an indirect gain or booty. *Lo. Verulam* in his *Hen. 7.* But in our Statutes it is most commonly used for an unlawful Bargain or Contract. As 37 Hen. 8. cap. 9. 13 Eliz. c. 5. and 8 & 12 Car. 2. cap. 13.

Chebitix & Chebisc e, H. des at the end of Ploughed Lands. — *Novem acres terræ cum Cheviseis ad ipsas pertinentibus.* Mon. Angl. 2 par. fol. 116.

Chief. See *Capite*.

Chiefage. See *Chevage*.

Chief Pledge (*Plegius vel ras capitalis*) Anno 21 Hen. 6. cap. 8. See *Borrowhead*.

Childwit (Sax.) Signifies a power to take a Fine of a Bond-woman, unlawfully begotten with childe. *Prior habeat Cervum de Nativitate sua imprægnata fine licentia maritandi.* Ex Registro Priorat. de Cokes ord. Every reputed Father of a base child, gotten within the Mannor of *Writtel* in *Com. Essex*, pays to the Lord for a Fine 3 s. 4 d. Where it seems to extend as well to Free as Bond-women; and the Custom is there also called *Childwit*.

Chitin (Fr. *Chemin*, i. *aditus, via*) Signifies a way; which is of two sorts. The Kings High-way, and private way. *Kitchin*, fol. 35. The Kings High-way (*Chimirius Regius*) is that, in which the Kings Subjects, and all others under His Protection, have free liberty to pass, though the property of the soyl, where the way lies, may pernaps belong to some private man. A *Private way* is that, in which one man or more have liberty to pass, either by Prescription or by Charter, through another mans ground. And this is divided into *Chimin in gross*, and *Chimin appendant*. *Kitchin*, fol. 17. *Chimin in gross*, is that way which a man holds principally and solely in it self; *Chimin appendant* is that which a man hath as appurtenant to some other thing. As, if he hire a Close of Pasture, with Covenant for ingress and regress, through some other Ground, in which, otherwise he might not pass. See *Coke on Little. fol. 56.*

Chiminage (*Chiminagium*) Signifies a Toll for Wayfarage through the Forest. *Cromp. Jurisd.*

Juris. fol. 189. Telenium quod in Forestis exigebant Forestarii a plaustris & equis oneris causi eò venientibus. Charta Forestariorum, cap. 14. Nullus Forestarius de cetero, qui non sit Forestarius de feodo, reddens nobis firmam pro balvo sua, capiat Chiminagium aliquod in Balivo sua, &c. The Feudists call it Pedagium. This in Foulton, fol. 8. is fully Printed Chimmage; and in a Record in the Tower, I finde Chimmage.

Chimney Money. Otherwise called Hearth-Money. By Statute 14 Car. 2. cap. 12. Ebery Fire-Hearth and Stove of every Dwelling, and other House within England and Wales, (except such as pay not to Church and parson) shall be chargeable with Two shillings per annum, payable at Michaelmas and Lady-day, to the King, His Heirs, &c. Which payment is vulgarly called Chimney-Money. See Smoak-Silver and Fuege.

Chirgemot, Ciregemot, or Chirch gemot. (Sax.) Forum Ecclesiasticum. — *Uosque Chirgemot discordantes inveniet, vel amore congreget, vel sequentem judicio.* LL. Hen. 1. cap. 8. and 4 Inst. fol. 321.

Chirographer of Fines. (*Chirographus Finium & Concordarum*, of the Greek *χειρογραφία*, i. A writing of a Mans own hand, whereby he acknowledges a debt to another) Signifies that Officer in the Common-Pleas, who ingrosseth Fines in that Court acknowledged into a Perpetual Record, (after they are examined, and fully passed by other Officers) and that writes and delivers the Indentures of them to the Party. Anno 2 Hen. 3. cap. 8. — 2 Hen. 4. 8. and Fitz. Nat. Br. fol. 147. A. This Officer makes two Indentures, one for the Buyer, another for the Seller, and makes one other indented piece, containing also the effect of the Fine, which he delivers to the *Custos Brevis*, which is called the *Foot of the Fine*. The Chirographer also, or his Deputy, proclaims all the Fines in the Court every Term, according to the Statute, and endorseth the Proclamations, upon the backside of the Foot thereof; and always keeps the Writ of Covenant, and the Note of the Fine. See *Table of Fines*, Anno 23 Eliz. cap. 3. and 2 Part. Inst. ful. 468.

Chibage. See Chevage.

Chivalry (*Servitium Militare*) Comes from the Fr. *Chivalier*, i. *eques*; and signifies a Tenure of Land by Knights-service, whereby the Tenant was bound to perform a Service in War unto the King or the Mesn Lord, of whom he held by that Tenure: The further explication of which Tenure, and the several Branches of it may be omitted, since by Stat. 12 Car. 2. cap. 24. All Tenures by Knights-service of the King, or of any other person, Knight-service in Capite, or Socage in Capite of the King, and the Fruits and consequences thereof, hapned, or which shall or may happen, or arise thereupon, or thereby, are taken away and discharged: And all Tenures of Houses, Manors, Lands, &c. shall be construed and adjudged

for ever, to be turned into Free and Common Socage, &c.

Choral (*choralis*) may relate to any person, that by virtue of any of the Orders of the Clergy, was in ancient time admitted to fit and serve God in the Quire, in Latin (*Chorus*.) Accordingly Mr. Dugdale (in his History of S. Pauls Church, pag. 172.) says, There were anciently Six Vicars Choral belonging to that Church.

Chose (Fr.) Thing: It is used with divers Epithets; as *Chose Local*, is such a thing as is annexed to a place: For example, a Mill is *Chose Local*. *Chose Transitory* seems to be that thing, which is moveable, and may be taken away or carried from place to place. *Kitchin*, fol. 18: *Chose in Action*, is a thing incorporeal, and only a right, as an Annuity, Obligation for Debt, a Covenant, Voucher by Warranty, and generally all Causes of Suit, for any Debt or Duty, Treppas or Wrong, are to be accounted *Choses in Action*. And it seems *Chose in Action* may be also called *Chose in Suspense*; because it hath no real existence, or being, nor can properly be said to be in our possession. *Broke*, tit. *Chose in Action*.

Chop-church (*Ecclesiistarum permutatio*) Is a word used 9 Hen. 6. 65. a. By the sense of which Book, it was in those days a kind of Trade; For the Judges say, It was a lawful Occupation, and a good Addition; yet Brook in his *Abbridgment* calls it not an Occupation, but a thing permissible by Law. It was (without doubt) a nickname given to those that used to change Benefices: For to chop and change, is an usual expression to this day. I have also read *Church-Chopper*, for him that used to make such changes. — *Alii vero quorundam saturum zizanie, subdivorum Justicia, & inaudita abusione inventorum, ut illis verbis utamur Choppe Churches, communiter appellati, mediatione dolosa interveniente, execrabilis ardore avaritiae, quandoque in subdolis permutationibus, eos nimia iniquitate Beneficiorum, ac illos quandoque optentis beneficiis, faciat coloribus totaliter destituant & defraudant; in tantum quod ex inde de opulentibus effecti miseri, & fodere non valentes, aliquando inordinatae concepta doloris anxietate deperunt, & sapient in Cleri & Ecclesie scandalum nimil egestatis penuria, mendicare miserabiliter compelluntur.* Litera missa omnibus Episcopis Suffraganeis Domini contra *Choppe Churches*. An. 1391. *Spelm. de Cone.* vol. 2. fol. 642.

Church-Keve. A Church-Warden. *Præpositus Ecclesie* or *Gardianus Ecclesie*; of whom, thus Chaucer, speaking of the Jurisdiction of Archdeacons.

Of Church-Keves, and of Testaments, Of Contracts, and lack of Sacraments, &c.

Church-Wardens (*Ecclesiæ Gardiani*) Are Officers yearly chosen, by consent of the Minister and Parishioners, according to the custom of every place, to look to the Church, Churchyard, and such things as belong to both, and to

to observe the behavior of their Parishioners, for such faults as appertain to the Jurisdiction or Censure of the Court-Ecclesiastick. These are a kinde of Corporation, enabled by Law to sue, and be sued for any thing belonging to the Church, or Poor of their Parish. *Anno 12 H. 7. cap. ult.* See *Lambert* in his duty of *Church-Wardens*.

Churchesett, Ciresceat, Chirset, or Ciresct (Sax.) *Census vel tributum Ecclesie Chirchescot.* Certam mensuram bladi tritici significat, quam qualibet olim Sanctae Ecclesie die Sancti Martini, tempore tam Bantonum quam Anglorum contribuerant. Plures tamen Magistrates, post Romanorum adventum, illam contributionem secundum veterem legem Moysi nomine primitiarum dabant: Prout in brevi Regis Knuti, ad sumnum Pontificis transmissio continetur, in quo illam contributionem **Churchset** appellant, quasi, semen Ecclesie. See *Ciresceat*. *Seldens Hist. of Tithe*, pag. 216. —Et de effarto & de prato & de Chirset ejusdem villa, &c. *Cart. de Anno 1 Edw. 3. num. 3.* And in *Pat. 13 Edw. 4. par. 2. m. 17.* it is written **Cherchez**; but the true Saxon is *Cypicseac*.

Cinque Ports (*Quinque Portus*) Are those special Havens that lie towards France, and therefore have been thought by our Kings, to be such as ought most vigilantly to be preserved against Invasion. In which respect, they have an especial Governor or Keeper, called, by his Office, *Lord Warden of the Cinque Ports*, and divers priviledges granted them, as a peculiar Jurisdiction, their Warden having the authority of an Admiral among them, and sending out Writs in his own name. *Crompton* in his *Jurisdict. fol. 28.* names the *Cinque Ports*, Dover, Sandwich, Rye, Hastings, Winchelsea, Ramney, Hitte; whereof two must either be added to the first institution, by some later Grant, or be accounted as Appendants to some of the rest. See *Gardein of the Cinque Ports*, and the Stat. 32 Hen. 8. cap. 48. See *Quinque Portus*. and *4 Inst. fol. 222.*

Cippus, A Pair of Stocks to put offenders in. —*Habent, nec non Cppos & conclusoria in singulis villis, ad correctionem delinquentium.* *Mon. Angl. 2 par. fol. 349. a.*

Circuit of Action (*Circuitus Actionis*) Is a longer course of proceeding to recover the thing sued for, than is needful. As, if a Man Grant a Rent-charge of x l. out of his Mannor of *Dale*, and after the Grantee Disseiseth the Grantor of the same Mannor, who brings an Assise, and recovers the Land, and xx l. damages; which being paid, the Grantee brings his Action for x l. of his Rent due, during the time of the Disseisin, which he must have had, if no Disseisin had been. This is called *Circuit of Action*, because, whereas the Grantor was to receive xx l. damages, and pay x l. rent, he might have received but x l. only for damages, and the Grantee might have kept the other x l. in his hands, by way of *Detainer* for his Rent, and so have saved his Action. *Terms Ley.*

Circumspecte Agatis, Is the Title of a Statute made in the Thirteenth of Edward the First. *Anno Domini 1285.* prescribing certain Cases to the Judges, wherein the Kings Prohibition lies not. *Coke, lib. 7. fol. 44. Lib. 5. fol. 67. And 2 Part. Inst. fol. 487.*

Circumstantibus (i. By-standers) Signifies the supply or making up the number of Jurores (if any impaneld, appear not, or appearing be challenged by either party) by adding to them so many of those that are present or standing by, as will serve the turn. *35 H. 8. c. 6. and 5 Eliz. cap. 25.*

Ciric seat (Sax. *Cypic-seac*, *V. digal Ecclesiasticum, frumenti tributum.*) *Church-scot*, a certain Tribute or Payment made to the Church, commonly of Corn. *Eleta* calls it *Ciresct*, *quasi, Semen Ecclesie debitum.* *Job. Southam ad Festum S. Martini in Yeme debet 1 Gallinam (de redditu) & 5 Gallinas de Chirset. Custumar. Munus. de Bello. fol. 87. a.* This Tribute was anciently payable at the Feast of S. Martin, and sometimes at *Christmas*, as appears by *Lomesday*, and called by Sir *Edw. Coke*, *Church-seed*, on *Littl. fol. 88. b.* See *Churchesett*.

City (*Civitas*) Signifies with us, as it doth in other Regions, such a Town Corporate, as hath a Bishop and a Cathedral Church. Yet *Crompton* in his *Jurisdictions*, in reckoning our Cities, leaves out *Ely*, though it have a Bishop and a Cathedral Church. *Anno 35 Eliz. cap. 6. Westminster* is called a *City*, and it appears by the Statute *35 Hen. 8. cap. 10.* that then there was a Bishop of *Westminster*: But by Letters Patent dated *21 May, 2 Eliz.* (pursuant to an Act of Parliament of *1 Eliz.* not Printed) the Revenues of that late Monastery were vested in the *Dean and Chapter of the Collegiate Church of Westminster*, which hath caused Error in the Pleadings of some Cases, by styling it the *Cathedral, for Collegiate, Church of Westminster. Cassaneus de Confusitud. Burgun. pag. 15.* saith, That France hath within its Territories *104 Cities*, and gives his reason, Because there are so many Seats of Archbishops and Bishops. Yet Sir *Edward Coke* notes *Cambridge* to be a City by ancient Record (viz. *Mich. 7 Rich. 1. Rot. 1.*) Though I finde no mention of its ever having been an Episcopal See. On *Littl. fol. 109. b.* And in the Stat. *11 Hen. 7. cap. 4.* it is called the Town of *Cambridge*.

Clack; As to *clack*, *force*, and *bard* alias *beard* good *Wool*, *Anno 8 Hen. 6. cap. 22.* whereof the first, viz. to *clack Wool*, is to cut off the Sheeps mark, which makes it weight less, and so yield the less custom to the King. To *force Wool* is, to clip off the upper and more hairy part of it; to *bard* or *beard* it, is to cut the head and the neck from the rest of the Fleece.

Claim (*Clameum*) Is a Challenge of Interreit in any thing that is in the possession of another, or, at the least, out of his own; as *Claim* by Charter, *Claim* by Descent, &c. *Old Nat. Br. fol. 11. Si Dominus infra annum clameum qualitercumque apposuerit. Braston, lib. 1. cap. 1.*

cap. 10. See the definition and divers sorts of *Claim*, in *Plowden, Casu Stowl*, fol. 359. a.

Claimea Admittenda in itinere per Atturatum, Is a Writ whereby the King commands the Justices in Eyre, to admit of ones *Claim* by Attorney, who is employed in the Kings-service, and cannot come in his own person. *Reg. of Writs*, fol. 19. b.

Clap-board (*Anno 35 Eliz. cap. 11.*) Is Board cut in order to make Cask or Vessels.

Clarentius. See *Herald*.

Claves Insulae. i. The Keys of the Island. In the Isle of *Man* all ambiguous and weighty Cases, are referred to Twelve, whom they call *Claves Insulae*.

Claustum Fregit. Mr. *Somner*, in his *Saxon Dictionary*, conceives the original of those much used words in our Law-Pleadings, might come from the Saxon *Etep-hypce*, which signifies Hedge-breaking (the Boughs, which clost the top of the Hedge, being usually called *Etheberings*.)

Claustum Pascha. *Stat. of Westm. 1. Len-de-maine de la Cluse de Pasche*, that is, *In Crastino clausi Pascha*, or, *in Crastino Octabis Pascha*, which is all one; viz. The Morrow of the *Vitas of Easter*. *2 part. Inst. fol. 157.* — *Ad Curiam cum visu Franc. Pleg. tent. apud Maudin die Jovis prox. post Festum Claudi Pascha*, *Anno 17 Edw. 4.* *Testatum fuit quod, Sc. Claustum Pascha*, i. *Dominica in Altis*; sic dictum, quod Pascha Claudat.

Clausura Heye — *Johannes Stanley Ar. clamat quod ipse & heredes sui sunt quieti de Clausura Heye de Macclesfield*, scil. *Clausura unius Rodae terra circiter bayam pradicit*. *Rot. Plac. in Itinere apud Cestriam*, *Anno 14 Hen. 7.*

Clergy (*Clerus*) Is diversly taken, sometime for the whole number of those, who are *De Clero Domini*, of our Lords lot or share, as the Tribe of *Levi* was in *Iudea*; sometimes for a Plea to an Indictment, or an Appeal, and is by *Stampf.* (*Pl. Cor. lib. 2. cap. 41.*) thus defined. — *Clergy* is an ancient liberty of the Church, which hath been confirmed by divers Parliaments, and is, When a Priest, or one in Orders, is arraigned of Felony before a Secular Judge, he may pray his *Clergy*, which is as much, as if he prayed to be delivered to his Ordinary, to purge himself of the offence objected. And this might be done in case of Murder. *Coke, lib. 4. fol. 46. a.* This liberty is mentioned in *Articulus Cleri*. *Anno 9 Edw. 2. c. 26.* and what persons might have their *Clergy*, and what not, see *Stampf.* *Pl. Cor. lib. 2. cap. 42. & 43.* Yet there are many Statutes made since he wrote that Book, whereby the benefit of *Clergy* is abridged; As *Anno 8 Eliz. cap. 4. — 14 Eiusdem, cap. 5. — 18 Eiusdem, cap. 4, 6, 7. — Anno 23 Eiusdem, cap. 2. — 29 Eiusdem, cap. 2. 31 Eiusdem, cap. 12. and 39 Eiusdem, cap. 9. & 15.* Of this see *Cromptons Justice of Peace*, fol. 102—105. And *Lamberts Eiren. lib. 4. cap. 14.* And note, that the ancient course of Law in this point, is

much altered; for by the Statute of 18 *Eliz. cap. 7.* Clerks are no more delivered to their Ordinaries to be purged, but now every Man, to whom this benefit is granted, though not in Orders, is put to read at the Bar, after he is found guilty, and convicted of such Felony, and so burnt in the hand, and set free for the first time, if the Ordinaries Commissioner or Deputy standing by do say — *Legit ut Clericus*, or otherwise he suffers death for his transgression. *Cowel*.

Clerico Admittendo, Is a Writ directed to the Bishop, for the admitting a Clerk to a Benefice, upon a *Ne Admitas* tryed and found for the party that procures the Writ. *Reg. of Writs*, fol. 31.

Clerico captio per Statutum Mercatorum, &c. Is a Writ for the delivery of a Clerk out of prison, who is imprisoned upon the Breach of a Statute Merchant. *Reg. of Writs*, fol. 147.

Clerico combito commissio Goalz in defectu Ordinarii deliberando, Is a Writ for the delivery of a Clerk to his Ordinary, that was formerly convict of Felony, by reason his Ordinary did not challenge him according to the priviledges of Clerks. *Reg. of Writs*, fol. 69. a.

Clerico infra sacros ordines constituto, non eligendo in Officium, Is a Writ directed to the Bailiffs, &c. that have thrust a Bailiwick or Beadleship upon one in holy Orders, charging them to release him. *Reg. of Writs*, fol. 143. a.

Clerk (*Clericus*) Hath two significations; one, as it is the title of him that belongs to the holy Ministry of the Church; under which, where the Canon Law hath full power, are, not only comprehended *Sacerdotes & Diaconi*, but also *Subdiaconi, Cantores, Acolysi, Exorcista, & Officiarii*. And in this signification, a Clerk is either Religious (otherwise called Regular) or Secular. *Anno 4 Hen. 4. cap. 12.* The other denotes those, who by their function or course of life, practise their Pen in any Court, or otherwise; as, the *Clerk of the Rolls of Parliament*, *Clerks of the Chancery*, &c. whose peculiar Offices shall be set down in order.

Clerk of the Ax (*Clericus Securis*) Is an Officer in the Navy, whose function is to carry a *Silver Ax*, wherewith to mark and seise Timber for the Kings use in His Navy, or otherwise, and mentioned in the *Stat. 16 Car. 2. cap. 5.* where it is Printed *Clerk of the Ax*, I suppose by mistake.

Clerk of the Parliament Rolls (*Clericus Rotulorum Parliamenti*) Is he that Records all things done in the High Court of Parliament, and engrosseth them fairly in Parchment Rolls, for their better preservation to posterity. Of these there are two, One of the *Lords House*, another of the *House of Commons*, *Cromp. Jurisd. fol. 4. & 8. Smith de Repl. Angl. pag. 38.* See also *Vowels Book*, touching the Order of the Parliament.

Clerk of the Crown in Chancery (*Clericus Coronae in Cancelleria*) Is an Officer there, who, by himself or Deputy, is continually to attend the Lord Chancellor, or Lord Keeper; writes and prepares, for the Great Seal of England, special Matters of State by Commission, or the like, either immediately from His Majesty, or by Order of His Council, as well ordinary as extraordinary, *viz.* Commissions of Lieutenantcy, of Justices Itinerant, and of Assizes, of Oyer and Terminer, of Goal Delivery, and of the Peace, with their Writs of Association, and the like. Also, all General Pardons upon Grants of them, at the Kings Coronation, or at a Parliament, where he sits in the Lords House in Parliament time; into whose Office the Writs of Parliament, made by the Clerks of the Pettibag, with the names of Knights and Burgeses, elected thereupon, are to be returned and filed. He hath also the making of all special Pardons, and Writs of Execution upon Bonds of Statute Staple forfeited, which was annexed to his Office in the Reign of Queen Mary, in consideration of his continual and chargeable attendance: Both these before being common for every Curstor and Clerk of the Court of Chancery to make.

Clerk of the Crown (*Clericus Coronae*) Is a Clerk or Officer in the Kings Bench, whose function is to frame, read, and record all Indictments against Traitors, Felons, and other Offenders, there arraigned or indicted upon any publick crime. He is otherwise termed Clerk of the Crown Office. And Anno 2 Hen. 4. cap. 10. he is called Clerk of the Crown of the Kings Bench.

Clerk of Assise (*Clericus Assisorum*) Is he that writes all things judicially done by the Justices of Assise in their Circuits. *Cromp. Jurisd.* fol. 227.

Clerk of the Chest (*Anno 16 Car. 2. c. 5.*) Keeps an accourt of the Moneys collected, and kept in a Chest, for the use of sick and maimed Seamen and Mariners.

Clerk of the Eſtreats (*Clericus Extratuum*) Is a Clerk belonging to the Exchequer, who Termly receives the Eſtreats out of the Lord Treasurers Remembrancers Office, and writes them out to be levied for the King. He also makes Schedules of such sums eſtreated, as are to be discharged. See the Practice of the Exchequer, pag. 82.

Clerk of the Pell (*Clericus Pelli*) Is a Clerk belonging to the Exchequer, whose Office is to enter every Tellers Bill into a Parchment Roll, called (*Pellis Receptorum*), and also to make another Roll of Payments, which is called *Pellis Exitium*, wherein he sets down by what Warrant the Money was paid. This Officer is called in ancient Records *Clericus Domini Ibehauri*.

Clerk of the Warrants (*Clericus Warrantorum*) Is an Officer belonging to the Court of Common Pleas, who entreteth all Warrants of Attorney for Plaintiff and Defendant, and inrols all Deeds of Indentures of Bargain and

Sale, which are acknowledged in the Court, or before any Judges out of the Court. And he Eſtreats into the Exchequer all Issues, Fines, and Amerciaments, which any way grow due to the King in that Court, and hath a standing Fee of Ten pounds of the King, for making the same Eſtreats. See *Fitzb. Nat. Br.* fol. 76.

Clerk of the Pettibag (*Clericus Parvæ bagæ*) Is an Officer of the Chancery, of which sort there are three, and the Master of the Rolls their cheif. Their Office is to record the Return of all Inquisitions out of every Shire; to make all Patents of Customers, Gaugers, Comprrollers, and Aulnegers; all *Conge de Eſtres* for Bishops; all *Liberates* upon Extents of Statute Staples; the recovery of Recognisances forfeited; and all *Elezits* upon them; the Summons of the Nobility, Clergy, and Burgeses to the Parliament; Commissions directed to Knights, and others of every Shire, for Assessing Subsidies; Writs for the nominations of Collectors for Fifteenths; and all Traverses upon any Office, Bil', or otherwise; to receive the Fees for Homages due to the Lord Great Chamberlain; of the Nobility, Bishops, &c. This Officer is mentioned, *33 Hen. 8. cap. 22.*

Clerk of the Kings Great Wardrobe (*Clericus Magna Garderobæ Regis*) Is an Officer of the Kings House, that keeps an Accourt or Inventory in Writing, of all things belonging to the Kings Wardrobe. Mentioned *Anno 1 Edw. 4. cap. 1.*

Clerk of the Market (*Clericus Mercati Hosiarii Regis*) Is an Officer of the Kings House (*Anno 1 Edw. 4. cap. 1.* and *Anno 13 Rich. 2. cap. 4.*) whose duty is to take charge of the Kings Measures, and to keep the Standards of them, that is, The examples of all the Measures that ought to be through the Land: As of Elns, Yard, Lagens, Quarts, Pottles, Gallons, &c. Of Weights, Bushels, and such like; and to see that all Measures in every place be answerable to the said Standard. *Fleta. lib. 2. cap. 8, 9, 10, 11, 12.* Of which Office, as also of our diversity of Weights and Measures, you may there finde a Treatise worth the reading. *Britton* also, in his *30 Chap.* saith in the Kings Person, to this effect: *We will that none have Measures in the Realm, but we our selves; but that every Man take his Measures and Weights from our Standards.* And so goes on with a Tractat of this matter, that well shewes the ancient Law and Practice in this point. Touching this Officers duty, you have also good Statutes. *Anno 13 Rich. 2. cap. 4.* and *Anno 17 Car. 1. cap. 19.* See *4 Inst. fol. 273.*

Clerk of the Kings Silver (*Clericus Argenti Regis*) Is an Officer belonging to the Court of Common Pleas, to whom every Fine is brought, after it hath been with the *Custos Breuium*, and by whom the effect of the Writ of Covenant, is entered into a Paper-Book; and, according to that Note, all the Fines of that Term are also recorded in the Rolls of the

the Court. And his Entry is in this form: He puts the Shire in the Margin, and then faith, *A. B. dat Domino Regi dimidium marcum* (or more according to the value) *pro licentia concordandi cum C. D. pro talibus terris, in tali villa, & habet chirographum per pacem admissum, &c.*

Clerk of the Peace (*Clericus Pacis*) Is an Officer belonging to the Sessions of the Peace. His duty is, in the Sessions to read the Endictments, to enrol the Acts, and draw the Proces: To record the Proclamations or Rates for Servants Wages, to enrol the discharge of Apprentices, to keep the Counterpart of the Indenture of Armor, to keep the Register Book of Licenses, given to Badgers and Laders of Corn, and of those that are Licensed to shoot in Guns, and to certify into the Kings Bench Transcripts of Indictments, Outlarries, Attainders, and Convictions had before the Justices of the Peace, within the time limited by Statute. *Lamberts Eiren. lib. 4. cap. 3. fol. 379.*

Clerk of the Signet (*Clericus Signeti*) Is an Officer attendant continually on His Majesties Principal Secretary, who always hath the custody of the Privy Signer, as well for sealing His Majesties private Letters; as also such Grants as pass His Majesties Hand by Bill signed. Of these there are four that attend in their course, and have their diet at the Secretaries Table. More largely you may read of their Office in the Statute made *Anno 27 H.8. cap. 11.*

Clerk of the Privy Seal (*Clericus Privati Sigilli*) There are four of these Officers that attend the Lord Privy Seal, or (if none such) the Principal Secretary, writing and making out all things that are sent by Warrant from the Signet to the Privy Seal, and are to be passed to the Great Seal; as also to make out (as they are termed) Privy Seals upon any special occasion of His Majesties affairs; as for Loan of Money, and such like. Of this Officer and his Function, you may read the Statute *27 H.8. cap. 11.* He that is now called the *Lord Privy Seal*, seems in ancient time to have been called *Clerk of the Privy Seal*, and to have been reckoned, notwithstanding, in the number of the great Officers of the Realm. Read the Statute *12 Rich.2. cap. 11.*

Clerk of the Juries or Jurata Writs (*Clericus Juratorum*) Is an Officer belonging to the Court of Common Pleas, who makes out the Writs called (*Habecas Corpora*) and (*Distingas*) for appearance of Juries, either in Court, or at the Assises, after the Jury or Panel is returned upon the (*Venire facias*.) He enters also into the Rolls the Awarding of these Writs, and makes all the continuance from the going out of the (*Habecas Corpora*) until the verdict be given.

Clerk of the Pipe (*Clericus Pipa*) Is an Officer in the Exchequer, who, having all Accompts and Debts due to the King, delivered and drawn out of the Remembrancers Offices,

charges them down into the great Roll; who also writes Summons to the Sheriff, to levy the said Debts upon the Goods and Cattels of the Debtors; and if they have no Goods, then he draws them down to the Lord Treasurers Remembrancer, to write Eftreats against their Lands. The ancient Revenue of the Crown remains in charge before him, and he sees the same answered by the Farmers and Sheriffs. He makes a charge to all Sheriffs of their Summons of the Pipe and Green Wax, and fees it answered upon their Accompts. He hath the drawing and ingrossing all Leases of the Kings Land. In *Henry the Sixths* time, he was called *Ingrossator Magni Rotuli*.

Clerk of the Hamper or Hanaper (*Clericus Hanaperii*) Is an Officer in Chancery, (*Anno Edw. 4. cap. 1.*) otherwise called *Warden of the Hamper*, in the same Statute, whose Function is to receive all the Money due to the King for the Seals of Charters, Patents, Commissions, and Writs; as also Fees due to the Officers for enrolling and examining the same, with such like. He is tied to attendance on the Lord Chancellor, or Lord Keeper daily in the Term time, and at all times of sealing, having with him Leather Bags, wherin are put all Charters, &c. After they are sealed, those Bags, being sealed up with the Lord Chancellors Private Seal, are delivered to the Comptroller of the Hamper, who upon receipt of them, doth, as you shall read in his Office. This *Hamper* represents a shadow of that which the Romans termed (*Fiscum*) which contained the Emperors treasure.

Clerk of the Pleas (*Clericus Placitorum*) Is an Officer in the Exchequer, in whose Office all the Officers of the Court (upon especial Priviledge belonging unto them) ought to sue, or to be sued upon any Action, &c. See the Practice of the Exchequer, pag. 86. and 4 Inst. fol. 107.

Clerk of the Treasury (*Clericus Thesauraria*) Is an Officer belonging to the Common Pleas, who hath the charge of keeping the Records of the Court, and makes out all the Records of *Nisi Prius*, hath the Fees due for all searches, and hath the certifying all Records into the Kings Bench, when a Writ of Error is brought: Also he makes all Exemplifications of Records being in the Treasury. He is taken to be the servant of the Cheif Justice, and removable at his pleasure, whereas all other Officers are for term of life. There is also a Secondary, or Under-Clerk of the Treasury for Assistance, who hath some allowances. And likewise an Under-Keeper, who always keeps one Key of the Treasury door, and the cheif Clerk of the Secondary an other; so as the one cannot come in, without the other.

Clerk of Essoyns (*Clericus Essoniorum*) Is an Officer belonging to the Court of Common Pleas, who keeps the *Essoyn-Rolls*, and hath for entring every *Essoyn* six pence, and for every Exception to Bar the *Essoyn*, in case where the party hath omitted his time, six pence.

pence. He hath also the providing of Parchments, and cutting it out into Rolls, and marking the numbers upon them, and the delivery out of all the Rolls to every Officer, and the receiving them again when they are written, and the binding and making up the whole Bundles of every Term; and this he doth as Servant to the chief Justice. For the chief Justice is at charge for the Parchment of all the Rolls; for which he is allowed, as the chief Justice of the Kings Bench, besides the penny for the Seal of every Writ of Priviledge and Utlary, the seventh penny taken for the Seal of every Writ under the Green Wax, or Petit Seal in the Court of Kings Bench and Common Pleas respectively, the said Lord Chief Justices having annexed to their several Offices or places, the custody of the said Seals belonging to each Court.

Clerk of the Outlaries (*Clericus Utlagariam*) Is an Officer belonging to the Court of Common Pleas, being only the Servant or Deputy to the Kings Attorney General, for making out Writs of (*Capias Utlagatum*) after Outlary; the Kings Attorneys name being to every one of those Writs. And whereas seven pence is paid for the Seal of every other Writ, betwixt party and party, there is but a penny paid for the Seal of this Writ, because it goes out at the Kings Suit.

Clerk of the Errors (*Clericus Errorum*) In the Court of Common Pleas does transcribe and certifie into the Kings Bench, the Tenor of the Records of the Cause or Action; upon which, the Writ of Error (made by the Curstor) is brought, there to be adjudged and determined. The Clerk of the Errors in the Kings Bench, does likewise transcribe and certifie the Records of such Causes in that Court, into the Exchequer, if the Cause or Action were by Bill: If by Original, the Lord Chief Justice certifies the Record into the House of Peers in Parliament, by taking the Transcript from the Clerk of the Errors, and delivering it to the Lord Keeper, there to be determined, according to the Statutes 27 Eliz. 8. and 31 Eliz. 1. The Clerk of the Errors in the Exchequer does Transcribe the Records, certified thither out of the Kings Bench, and prepares them for Judgment in the Court of Exchequer, to be given by the Justices of the Common Pleas, and Barons there. See 16 Car. 2. cap. 2. and 20 Eustem, cap. 4.

Clerk of the Sewers (*Clericus Sucarum*) Is an Officer appertaining to the Commissioners of Sewers, writing all things that they do by vertue of their Commission, for which see Sewers: And see the Statute of 13 Eliz. cap. 9.

Clerk Comptroller of the Kings House (whereof there are two) Is an Officer in the Court that hath Authority to allow or disallow the charges and demands of Pursuivants, Messengers of the Green-cloth, or other like. He hath also the over-sight and controlling of all Defects and Miscarriages of any the Inferior

Officers, and to sit in the Counting-house with the Superior Officers (*viz.*) The Lord Steward, Mr. Treasurer, Comptroller, and Costerer, either for correcting, or bettering things out of Order. This Officer is mentioned Anno 33 Hen.8. cap. 12.

Clerk of the Nibils or Nibils (*Clericus Nibilorum*) Is an Officer in the Exchequer, who makes a Roll of all such sums, as are nibiled by the Sheriffs upon their Eſtreats of Green-wax, and delivers the ſame into the Lord Treasurers Remembrancers Office, to have execution done upon it for the King. See the Stat. 5 Rich.2. cap. 13. Stat. 1. and Practice of the Exchequer, pag. 101. See Nibil.

Clerk of the Check, Is an Officer in the Court, ſo called becauſe he hath the Check and Controlment of the Yeomen of the Guard, and all other ordinary Yeomen and Huitiers belonging either to His Majesty, the Queen, or Prince; either giving leave or allowing their Absences or Defects in attendance, or diminishing their Wages for the ſame. He also nightily by himſelf, or Deputy, takes the view of thoſe that are to watch in the Court, and hath the ſetting of the Watch. This Officer is mentioned Anno 33 Hen.8. cap. 12. Also there is an Officer of the ſame name in the Kings Navy, and mentioned Anno 19 Car. 2. cap. 1.

Clerk Marshal of the Kings House, Seems to be an Officer that attends the Marshal in His Court, and Records all His proceedings. Anno 33 Hen.8. cap. 12.

Cloſh, Was an unlawful Game, forbidden by the Statute of 17 Edw. 4. cap. 3. and seems to have been the ſame with our Nine Pins; elſewhere called Cloſh-cayls. Anno 33 Hen.8. cap. 9. Though ſome think it might be the ſame Game, which is ſtill uſed by idle persons in Lincolns-Inn Fields, and now called The Wheel of Fortune, wherein they turn about a thing like the Hand of a Clock, in Fr. Cloche.

Clobe, Is the Two and thirtieth part of a Weigh of Cheese, i. Eight pound. An. 9 Hen. 6. cap. 8. See Waga.

Cocherings, An Exaction or Tribute in Ireland. See Bonaght.

Cocket or Coket (*Cokettum*) Is a Seal belonging to the Kings Custom-house. Reg. of Writs, fol. 192. a. Also a Scrol of Parchment ſealed and delivered by the Officers of the Custom-house to Merchants, as a Warrant, that their Merchandifes are cuſtomed. Anno 11 Hen.6. cap 16. Which Parchment is otherwife called *Littera de Coketto*, or *Littera testimoniale de Coketto*. Reg. fol. 179. a. So is the word uſed, Anno 5 & 6 Edw.6. cap. 14. And 14 Edw. 3. Stat. 1. cap. 21. None shall make Wools to be Cocketted, but in the name of him to whom the Wools be. Anno 13 Rich.2. cap. 9.

Cobet, Is also uſed for a diſtinction of Bread in the Statute of Bread and Ale, made 51 Hen.3. The words are, When a quarter of Wheat is told for xii d., then Waſtel-Bread of a Farthing

Farthing shall weigh viij. and xvij s; but Bread-Cocket of a Farthing, of the same Corn and Bultel, shall weigh more than Wastel by ii s. And Cocket-Bread made of Corn of lower price, shall weigh more than Wastel by v s. Bread made into a Simnel, shall weigh ii s. less than Wastel: Bread made of the whole Wheat, shall weigh a Cocket and a half; so that a Cocket shall weigh more than a Wastel by v s. Bread of Trete shall weigh two Waffles; and Bread of Common Wheat shall weigh two great Cockets. When a Quarter of Wheat is sold for xviii d. then Wastel-Bread of a Farthing, White and well-baked, shall weigh iv*l.*, x*s.* when for ii*s.*, iii*l.*, viii*s.* &c. By which, we may perceive, that Wastel-Bread was the finest, Cocket-Bread next, then Bread of Trete, and lastly, Bread of Common Wheat; as we now call the finest Bread, Wheaten, or French Bread, the second sort White Bread, the third Brown, or Household Bread, &c.

Codicil (*Codicillus*) A Schedule or Supplement to a Will, or some other Writing; some Writers, conferring a Testament, and a Codicil together, call a Testament a great Will, and a Codicil a little one; and compare a Testament to a Ship, and the Codicil to the Boat tied to the Ship.

Codicil is used as an addition annexed to a Testament, when any thing is omitted, which the Testator would add, explain, alter, or retract; and is the same with a Testament, but that it is without an Executor. See Swinb. pag. 1. sect. 5. and Touchstone of Wills, pag. 21, 22.

Coffee (*Anno 15 Car. 2 cap. 11.*) A kinde of drink brought hither from the Turks and Persians, black, thick, and bitter, distained from Berries of that nature and name, yet thought to be good and wholesome.

Cofferer of the Kings Household, Is a Principal Officer of the Court, next under the Comptroller, who in the Counting-House, and elsewhere, hath a special charge and over-sight of other Officers of the Household, for their good demeanor and carriage in their Offices, and pays their wages. This Officer is mentioned. *Anno 39 Eliz. cap. 7.*

Cogg (*Cogones*) Seems to be a kinde of Veitel or Boat, upon the River of *Ouse*, and Water of *Humber*, mentioned in the Statute of 23 Hen. 8. cap. 18. Also a kinde of Ship; For I finde in *Mash. Westm.* *Anno Dom. 1066.* — *Venit ad hoc in Angliam (Rex Noricorum) trecentis Coggomibus advenetus.*

Cognitione. See *Cognoscere*.

Cognosor. See *Conisor*.

Cognitionibus Pittendis, Is a Writ to a Justice, or other that hath power to take a Fine (who having taken it, defers to certifie it into the Court of *Common Pleas*) commanding him to certifie it. Reg. of Writs, fol. 68. b.

Cognizance (Fr. *Cognissance*, i. cognito) Is used diversly; sometimes signifying the Badge of a Waterman, or Serving-Mans Sleeve,

which is commonly the givers Crest, whereby he is discerned to belong to this, or that Noble or Gentleman: Sometimes an acknowledgment of a Fine, or Confession of a thing done; as *Cognoscens latro*. Brat. lib. 3. tract. 2. cap. 3. 20, 32. And to make *Cognizance* of taking a Distress. Sometimes, as an audience or hearing a matter judicially, as to take *Cognizance*. Sometimes a Power or Jurisdiction, as *Cognizance of Plea*, is an ability to call a Cause or Plea out of another Court, which no Man can do but the King, except he can shew Charters for it. *Manw. par. 1. pag. 68.* For such *Cognizance* lies not in Prescription.

Cogware, Seems to be a sort of Course Cloaths, made in the North of England, mentioned in the Stat. 13 Rich. 2. cap. 10. Where there is mention also of *Cogmen*, that is, Buyers of, Makers or Dealers in, such *Cogware*.

Coif (*Coifa*, Fr. *Coiffe*) Our Serjeants at Law, are otherwise called *Serjeants of the Coif*; from the Lawn Coif they wear on their Heads, under their Cap, when they are created, and always after. See *Serjeant*.

Coin (Fr. *Coign*, i. *Angulus*, which probably verifies the opinion of such as hold the anciestort sort of *Coyne* to be cornered, and not round) any sort of Money coyned. Crompt. Just. of P. fol. 220.

Coinage, Besides the general signification, relating to Money: It is (says Camden) by a Law provided, That all the Tin in Cornwall, after it is cast and wrought, shall be weighed and signed with a stamp, which is called *Coinage*. Britan. fol. 186. and Anno 11 Hen. 7. cap. 4. Some Authors write it *Cunage*.

Coket. See *Cocket*.

Coliberts (*Colliberti*) Sunt tenentes in liberò Soccagio. M. S. Or such as of Villains were made Freemen.

Collateral (*Collateralis*) Side-wise, or which hangs by the side, or comes in side-wards, not direct: As *Collateral Assurance*, is that which is made over and beside the Deed it self; as, If a Man covenant with another, and enter Bond for performance of his Covenant, the Bond is termed *Collateral Assurance*; because it is external, and without the nature and essence of the Covenant. And Crompton (Juris. fol. 185.) faith, *That, to be subject to the feeding of the Kings Deer, is Collateral to the Soil within the Forest*. So we may say, That Liberties to pitch Booths, or Standings for a Fair in another Mans Ground, is *Collateral* to the Ground. The Private Woods of a common person, within a Forest, may not be cut without the Kings Licence; for it is a Prerogative *Collateral* to the Soil. *Manwod. par. 1. pag. 66.*

Collateral Warranty. See *Warranty*.

Collation of Benefice (*Collatio Beneficii*) Signifies properly the bestowing a Benefice by the Bishop, who hath it in his own gift or patronage, and differs from *Institution* in this, That *Institution* into a Benefice, is performed by the Bishop, at the motion or presentation of another, who is Patron of it, or hath the Patrons

right for the time. Yet Collation is used for presentation, Anno 25 Edw. 3. Stat. 6.

Collatione facta uni post mortem alterius, &c. Is a Writ directed to the Justices of the Common Pleas, commanding them to direct their Writ to a Bishop, for admitting a Clerk in the place of another presented by the King, who, during the suit between the King and the Bishops Clerk, is departed this life: For, Judgment once passed for the Kings Clerks, and he dying before admittance, the King may bestow his presentation on another. Reg. of Writs, fol. 31. b.

Colour (color) Signifies a probable Plea, but in truth, false, and hath this end, to draw the tryal of the Cause from the Jury to the Judges. As, in an Action of Trespass for taking away the Plaintiffs Beasts, the Defendant saith, That before the Plaintiff had any thing in them, he himself was possessed of them, as of his proper Good, and delivered them to A. B. to deliver them to him again, when, &c. And A. B. gave them to the Plaintiff, and the Plaintiff, supposing the property to be in A. B. at the time of the gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings his Action. — This is a good Color, and a good Plea. See Doctor and Student, lib. 2. cap. 13. And Broke, tit. Color in Assize, Trespass, &c. fol. 104.

Collusion (Collusio) Is a deceitful agreement or compact between two or more, for the one party to bring an Action against the other to some evil purpose, as to defraud a third person of his right, &c. See the Statute of Westmin. 2. cap. 32. and 8 Hen. 6. cap. 26. which gives the Quale jus and enquiry in such Cases. See Broke, tit. Collusion, and Reg. of Writs, fol. 179. a. Gifts made by Collusion, see in 50 Edw. 3. cap. 6.

Combat (Fr.) Signifies as much as Certamen, pugna; But with us it is taken for a formal tryal between two Champions, of a doubtful cause or quarrel, by the Sword or Bastons; of which you may read at large in Glanville, lib. 14. cap. 1. Bratton, lib. 3. tract. 2. cap. 21. Britton, cap. 22. Horns Mirror of Justices, lib. 3. cap. Des Exceptions in fine proxime & cap. Juramentum Duelli. Dyer, fol. 301. num. 41, 42. When Alan de la Zouch had judicially sued John Earl of Warren, who chose rather to try the title by the Sword Point, than by Points of Law, he was wounded by him even in Westminster-hall, in the year 1269. says Camden in his Britan. fol. 519. The last Trial by combat was admitted 6 Car. 1. between Donnold Lord Rey, Appellant, and David Ramsey, Esquire, Defendant, Scotchmen, in the Painted Chamber at Westminster, before Robert Earl of Lindsey, Lord High Constable, Thomas Earl of Arundel, Earl Marshal, with other Lords; where, after the Court had met several times, and Bill, Answer, and Replication put in by the Parties, and Council heard with other Formalities, it was at last determined, that the matter should be referred to the Kings will and pleasure,

whose favor inclined to Ramsey. Bakers Chron. fol. 500. See Coke on Littl. fol. 294. b. Origines Juridicæ, fol. 65. And Spelmans Gloss. at large, verbo, Campus.

Comitatu Commissio, Is a Writ or Commission, whereby the Sheriff is authorised to take upon him the charge of the County. Reg. of Writs, fol. 295. Cokes Rep. lib. 3. fol. 72. a.

Comitatu & Castro Commissio, Is a Writ whereby the charge of a County, with the keeping of a Castle is committed to the Sheriff. Reg. of Writs, fol. 295.

Comitatus. — Of dead Farms and Debts desperate, whereof there is no hope, one Roll shall be made, and shall be entitled, Comitatus, and read every year upon the account of Sheriffs. 10 Edw. 1. cap. unico.

Commandry (Præceptoria) Was a Mannor or their Mettage, with Lands and Tenements appertaining thereto, belonging to the Priory of St. Johns of Jerusalem in England; and he, who had the Government of any such Mannor or House, was called the Commander; who could not dispose of it, but to the use of the Priory, only taking thence his own sustenance, according to his degree, who was usually a Brother of the fane Priory. New Eagle in the County of Lincoln, was, and still is called the Commandry of Eagle, and did anciently belong to the said Priory; so were Sledbach in Pembrokeshire, and Shengay in Cambridgeshire Commandries, in time of the Knights-Templars, says Camd. — These, in many places of England, are termed Temples, as Temple Bruere in Lincolnshire, Temple Newsum in Yorkshire, &c. because they formerly belonged to the said Templars. Of these read Anna 26 Hen. 8. cap. 2. and 32 Eydem, cap. 24. See Preceptories.

Commandment (Præceptum) Hath a divers use; as the Commandment of the King, when, upon his mere motion and from his own mouth, he casts any Man into Prison. Statu. Pl. Cor. fol. 72. Commandment of the Justices is either absolute or ordinary. Absolute, as when, upon their own Authority in their Wisdom and Discretion, they commit a Man to prison for a punishment. Ordinary is, when they commit one rather for safe-custody, then punishment. A Man committed upon an Ordinary Commandment is repleviable. Pl. Cor. fol. 73. Commandment is again used for the offence of him, that willett another Man to transgres the Law, or to do any thing contrary to the Law; as Murther, Theft, or such like. Bratton, lib. 2. tract. 2. cap. 19. which the Civilians call Mandatum.

Commendam (Ecclesia Commendata) Is a Benefice or Church-Living, which being void, is commended to the charge and care of some sufficient Clerk, to be supplied, until it may be conveniently provided of a Pastor. And, that this was the true original of this practise, you may read at large in Durandus, De sacris Ecclesiæ Ministeriis & Beneficiis, lib. 5. cap. 7. He to whom the Church is commended, hath the Fruits and Profits thereof, onely for a certain time,

time; and the Nature of the Church is not changed thereby, but is as a thing deposited in his hands in trust, who hath nothing but the custody of it, which may be revoked. When a Parson is made Bishop, there is a Cessio[n] of his Benefice by the Promotion; but if the King gives him power to retain his Benefice, he shall continue Parson, and is said to hold it in *Commendam*. *Hob. Rep.* fol. 144. *Latches Rep.* fol. 236, 237. See *Ecclesia commendata*, in *Gloss. x. Scriptor.*

Commonalty (Fr. *Communauté*) Includes all the Kings Subjects. So in *Art. super Chartas 28 Edw. I. cap. 1.* *Tout le Commune d'Angleterre*, signifies all the People of England. 2 *Inst. fol. 539.*

Commissary (*Commissarius*) Is a Title of Ecclesiastical Jurisdiction, appertaining to such a one, as exerciseth Spiritual Jurisdiction in places of the Diocels so far distant from the cheif City, as the Chancellor cannot call the Subjects to the Bishops Principal Consistory, without their too great molestation. This *Commissary* is by the Canonists called *Commissarius* or *Officialis foraneus*. *Lyndwods Provin.* cap. 1. And is ordained to this special end, that he supply the Bishops Jurisdiction and Office in the out places of the Diocels, or else in such Parishes as are peculiar to the Bishop, and exempted from the Jurisdiction of the Arch-deacon. For where either by Prescription or Composition, Arch-deacons have Jurisdiction within their Arch-deaconries, as in most places they have, this *Commissary* is but superfluous, and oft-times vexatious to the people. Therefore the Bishop, taking Prestation Money of his Arch-Deacons yearly, *Pro exteriori Jurisdictione*, as it is ordinarily called, does by super-onerating their circuit with a *Commissary*, not only wrong Arch-deacons, but the poorer sort of Subjects much more. *Cowell.* and see 4 *Inst. fol. 338.*

Commission (*Commissio*) Is with us, as much as *delegatio* with the *Civilians*, and is taken for the Warrant or Letters Patent, which all Men (exercising Jurisdiction, either ordinary or extraordinary) have to authorise them to hear or determine any cause or action. Of these see divers in the Table of the *Reg. of Writs*, and see *Broke, tit. Commission*; yet this word is sometimes extended farther then to Matters of Judgment, as the *Commission of Purveyors* or *Takers*, *Anno 11 Hen. 4. cap. 28.* which seems to be null by the Statute, for taking away Purveyance. *Anno 12 Car. 2. cap. 24.* The High Commission Court which was founded upon the Statute 1 *Eliz. cap. 1.* is also abolished by Act of Parliament, 17 *Car. 1. cap. 11.* and that again explained by another Act, 13 *Car. 2. cap. 12.*

Commission of Association (mentioned 18 *Eliz. cap. 9.*) Is a Commission under the Great Seal, to associate two or more learned persons, with the several Justices in the several Circuits and Counties in Wales.

Commission of Anticipation, Was a Commission under the Great Seal, to collect a Subsidy before the day. *Anno 15 Hen. 8. Cokes 12 Rep. fol. 120.*

Commission of Rebellion (*Commissio Rebellionis*) Is otherwise called a *Writ of Rebellion*, and Issues, when a Man (after Proclamation issued out of the *Chancery*, and made by the Sheriff, to present himself, under pain of his allegiance to the Court, by a certain day) appears not. And this *Commission* is directed by way of command to certain persons, three, two or one of them, to apprehend or cause to be apprehended, the party, as a *Rebel*, or contemner of the Kings Laws; wherefover they finde him within the Kingdom, and bring or cause him to be brought to the Court upon a day therein assigned: The Form of it you have in *West. Inst. Touching proceedings in Chancery*, *Sect. 24.*

Commissioner (*Commissionarius*) Is he that hath Commission, as Letters Patent, or other lawful Warrant, to execute any Publick Office; as Commissioners of the Office of Licences of Alienation. *West. Part. 2. Symb. Tit. Fines, Sect. 106.* *Commissioners in Eyr.* *Anno 3 Edw. 7. cap 26.* With many such like.

Committee. Is he, or they to whom the consideration or ordering of any matter is referred, either by some Court or Consent of Parties to whom it belongs. As in Parliament, a Bill being read, is either consented to and passed, or denied, or neither, but referred to the consideration of some certain persons, appointed by the House farther to examine it, who thereupon are called a Committee. *Committee of the King. West. pa. 2. Symb. tit. Chancery, Sect. 144.* This word seems to be strangely used in *Kitchin, fol. 160.* where the Widdow of the Kings Tenant being dead, is called the *Committee of the King*, that is, one committed by the ancient Law of the Land, to the Kings care and protection.

Commoigne (Fr.) A Fellow-Monk, that lives in the same Convent. 3 *Part. Instit. fol. 15.*

Common (*Commune*, i. *quod ad omnes pertinet*) Signifies that Soil or Water, whereof the use is common to this or that Town or Lordship; as *Common of Pasture*, (*Commune Pascua*.) *Braston, lib. 4. cap. 19. & 40.* *Common of Fishing*, (*Commune Piscaria*.) *Idem, lib. 2. cap. 34.* *Common of Turbaries*, (*Commune Turbaria*, i. Of digging Turves.) *Idem, lib. 4. cap. 41.* *Common of Estovers*, (*Commune Estoveriorum*.) *Kitchin, fol. 94, &c.* Common is divided into *Common in Gross*, *Common Appendant*, *Common Appendant*, and *Common per cause de Vicinage*, i. By reason of Neighborhood.

Common in Gross, Is a liberty to have Common alone (that is) without any Land or Tenement, in another Mans Land, to himself for life, or to him, and his heirs; and it is commonly passed by Deed of Grant or Specialty. *Old Nat. Br. fol. 31. & 37.*

Common

Common Appendant, and *Common Appurtenant*, are in a manner confounded, as appears by *Fitz. Nat. Br.* fol. 180. And are defined to be a Liberty of *Common Appertaining to, or Depending on such, or such a Freehold*; which *Common* must be taken with Beasts Commonable; as Horses, Oxen, Kine, and Sheep, being accounted fittest for the Ploughman; and not of Goats, Geese, and Hogs: But some make this difference, That *Common Appurtenant* may be severed from the Land whereto it pertains, but not *Common Appendant*; which (according to Sir *Edw. Coke*, lib. 4. fol. 37.) had this beginning — When a Lord enfeoffed another in Arable Lands, to hold of him in *Socage*; the Feoffee, to maintain the service of his Plough, had at first, by the Curteisie or Permission of the Lord, *Common* in the Waites of his Lord, for his necessary Beasts, to ear and compost his Land, and that for two Causes; one, for that, as then it was taken, it was tacitly implied in the Feoffment, by reason the Feoffee could not Till, nor Compolt his Land without Cattle, and Cattle could not be sustainted without Pasture, and so by consequence the Feoffee had, as a thing necessary and incident, *Common* in the Wastes and Land of the Lord. And this appears by the ancient Books, *Temp. Ed. 1. tit. Common* 24. and 17 *Edw. 2. iii. Common* 23. and 20 *Edw. 3. tit. Admeasurement* 8. and by the rehearsal of the Statute of Merton, cap. 4. The second reason was, for maintenance and advancement of Tillage, which is much regarded and favored by the Law.

Common per cause de Vicinage (i. *Common* by reason of Neighborhood) Is a Liberty that the Tenants of one Lord in one Town, have to *Common* with the Tenants of another Lord in another Town: Those that challenge this kind of *Common* (which is usually called *Intercommuning*) may not put their Catel into the *Common* of the other Town; for then they are distrainable, but, turning them into their own Field, if they stray into the Neighbor-*Common*, they must be suffered; provided they do not surcharge either *Common*, *Common of Pasture*, the *Civilians* call *Ius compascendi*.

Common Bench (*Bancus Communis*, from the Sax. *banc*, i. A Bank, or Hillock, and metaphorically a Bench, High Seat or Tribunal.) The Court of *Common Pleas* was anciently so called. *Anno 2 Edw. 3. cap. 11.* because (faith *Camden* in his *Britan.*, pag. 113.) *Communia Placita inter subditos ex jure nostro, quod Communis vocant, in hoc disceptantur*, that is, the Pleas or Controversies between common persons are there tryed. And the Justices of that Court in Legal Records, are termed *Justiciarii de Banco*. *Coke on Littl. fol. 71. b.* See *Common Pleas*.

Common Fine (*Finis Communis*) Is a certain sum of Money, which the Resiants within the view of some Leets, pay to the Lord thereof, called in divers places *Head-fines*, in others *Cert-moneys*, or *Certum Letæ*, and

Head-pence; and was first granted to the Lord towards the charge of his purchase of the Court Leet, whereby the Resiants had now the ease, to do their Suit-Royal nearer home, and not be compelled to go to the *Sheriff's Tourn*. As in the Mannor of *Sheafshead* in *Com. Leic.* every Resiant pays 1 d per Poll to the Lord, at the Court held after *Michaelmas*, which is there called *Common Fine*. There is also *Common Fine* of the County, for which see *Fleta*, lib. 7. cap. 48. and the Statute of 3 *Edw. 1. cap. 8.* But the Clerk of the Market shall take no *Common Fine*, *Anno 13 Rich. 2. cap. 4.* For *Common Fine*, the Lord cannot distrain without a prescription. *Godfreys Case*, in *Sir Edw. Coke's 11 Report*.

Common Pleas (*Communia Placita*) Is the Kings Court, now constantly held in *Westminster Hall*, but in ancient time moveable, as appears by *Magna Charta*, cap. 11. 2 *Edw. 3. cap. 11.* and *Pupilla oculi*, Parte 5. cap. 22. But *Gwin*, in the Preface to his *Readings*, saith, That until *Henry the Third* granted the Great Charter, there were but two Courts in all, called the *Kings Courts*, viz. *The Exchequer* and the *Kings Bench*, which was then called *Curia Domini Regis*, and *Aula Regis*; because it followed the Court or King, and that upon the Grant of that Charter, the Court of *Common Pleas* was erected and settled in one place certain, viz. *Westminster Hall*; and therefore after that, all the Writs ran, *Quod sit coram Justiciariis meis apud Westm.* whereas before the party was commanded by them to appear, *Coram me vel Justiciariis meis*, simply without addition of place, as he well observes out of *Glanville* and *Braffon*, the one writing in *Henry the Second's* time, before this Court was erected; the other in the later end of *Henry the Third's* time, who erected this Court. All Civil Causes, both Real and Personal, are or were in former times tryed in this Court, according to the strict Law of the Realm; and by *Fortescu*, cap. 50. it seems to have been the only Court for Real Causes. The Cheif Justice thereof, is called the *Lord Cheif Justice of the Common Pleas*, accompanied with three or four Judges, Assistants, or Associats, who are created by Letters Patent, and, as it were, enthalled or placed on the *Common Bench*, by the Lord Chancellor, and Lord Cheif Justice of the Court, as appears by *Fortescu*, cap. 51; who expresteth all the circumstances thereof. The rest of the Officers belonging to this Court, are, *The Custos Brevia*, three *Prothonotaries*, otherwise called *Prenotaries*, *Chirographer*, 14 *Filazers*, 4 *Exigenters*, *Clerk of the Warrents*, *Clerk of the Juries*, or *Jurata Writs*, *Clerk of the Treasury*, *Clerk of the King's Silver*, *Clerk of the Essoyns*, *Clerk of the Outlays*, *Clerk of the Errors*. Whose distinct Functions read in their places. See *Common Bench*, and *4 Inst. fol. 99.*

Common Day in Plea of Land (*Anno 13 Rich. 2. Stat. 1. cap. 17.*) Signifies an Ordinary day in Court, as *Ostatu Hillarii*, *Quindiu Pascere*,

Pasche, &c. Which you may see in the Statute of 51 Hen. 3. concerning general days in the Bench.

Common Intendment, Is Common Understanding or Meaning, according to the Subject Matter, not strained to an exotick sense. **Bar to Common Intendment**, is an Ordinary or General Bar, which commonly disables the Declaration of the Plaintiff. Of **Common Intendment**, a Will shall not be supposed to be made by Collusion. *Coke on Littl. fol. 78. b.* See **Intendment**.

Commons House of Parliament, Is so called, because the **Commons** of the Realm, that is, the Knights, Citizens, and Burgesses representing them, do sit there. *Crompt. Jurisd. 9.*

Common Law (*Communis Lex*) Hath three significations: First, It is taken for the Laws of this Realm simply, without any other Law joyned to it; As, when it is disputed, what ought of right to be determined by the **Common Law**, and what by the Spiritual Law, or Admirals Court, or the like. Secondly, For the Kings Court, as the Kings Bench or **Common Pleas**, onely to shew a difference between them and the Base Courts, as Customary Courts, Court Barons, County Courts, Pipowders, and such like: As when a Plea of Land is removed out of Ancient Demesne, because the Land is Frank-fee, and pleadable at the **Common Law**, that is, in the Kings Court, and not in Ancient Demesne, or any other Base Court. Thirdly, and most usually, by the **Common Law**, is understood such Laws as were generally taken and holden for Law, before any Statute was made to alter the same. As, neither Tenant for Life, nor for Years, were punishable by the **Common Law** for doing Waste, till the Statute of Glouc. cap. 5. was made, which gives an Action of Waste against them. But Tenant by the Curtesie, and Tenant in Dower, were punishable for it before the said Statute. See **Law**.

Commoorth. See **Comorth**.

Commode (Br. *Cwmwd*, i. Provincia) In Wales is half a *Canvred* or Hundred, containing Fifty Villages. *Stat. Wallia, 12 Edw. 1.* and *21 Hen. 8. cap. 26.* It signifies also a great Seignory, and may include one or divers Mannors. *Coke on Littl. fol. 5.*

Commune. See **Communalty**.

Communi Custodia, Is a Writ that did lie for that Lord, whose Tenant, holding by Knights-service, died and left his eldest Son under age, against a Stranger that entred the Land, and obtained the Ward of the Body. *Old Nat. Br. fol. 39.* But this Writ is become obsolete since Wardships were taken away by the Stat. *12 Car. 2. cap. 24.*

Communication (*Communicatio*) A talking, consultation, or conferring with. Where there is only a *Parley* betwixt two, and no perfect Agreement, that is, no such Contract between them, as on which to ground an Action, it is called a *Communication*.

Communia placita non tenenda in Seacario, Is a Writ directed to the Treasurer and Barons of the Exchequer, forbidding them to hold Plea, between common persons in that Court, where neither of them belong thereto. *Reg. of Writs, fol. 187. b.*

Commoorth (*Comortha*) From the British **Cymmoorth**, *Subsidium*) A Contribution: *Subsidium à pluribus collatum. Anno 4 Hen. 4. cap. 27.* And *26 Hen. 8. cap. 6.* Prohibits the Levyng any such in Wales, or the Marches, &c. It seems this *Commoorth* was gathered at Marriages, and when young Priests said or sung their first Masses, and sometimes for redemption of Murders or Felonies.

Companion of the Garter, Is one of the Knights of that most Noble Order. *Anno 24 Hen. 8. cap. 13.* See **Garter**.

Compositio Penituarum, Is the Title of an ancient Ordinance for Measures, not Printed, and is mentioned in the Statute of *23 Hen. 8. cap. 4.*

Compromisse (*Compromissum*) Is a mutual promise of two or more parties at difference, to refer the ending of their Controversies to the Arbitrement, and Equity of one or more Arbitrators. *West* defines a **Compromise** or Submission to be the faculty or power of pronouncing Sentence between Persons at Controversy, given to Arbitrators by the Parties mutual private consent, without publick Authority. *Par. 2. Symbol. Tit. Compromise. Sect. 1.*

Computation (*Computatio*) Is the true account and construction of time; to the end, that neither party do wrong to the other, nor that the determination of time be so left at large, as to be taken otherways then according to the just Judgment of the Law. As, if Indentures of Demise are engrossed, bearing date *11 May, 1669.* To have and to hold the Land in *S.* for three years from henceforth, and the Indentures are delivered the Fourth day of June following: In this Case, from henceforth shall be accounted from the day of the Delivery, and not from the date; and if the Indenture be delivered at four of the Clock in the Afternoon of the said Fourth day of June, the Lease shall end the Third day of June, in the Third year. For the Law, in this **Computation**, rejects all fractions or divisions of the day, for the incertainty, which always is the Mother of Contention. So where the Statute of Enrolments, made *27 Hen. 8. cap. 16.* is, That Writings shall be enrolled within six Moneths after the date thereof, if such Writings have date, the Six Moneths shall be accounted from the date, and not from the Delivery; but if they want date, then it shall be accounted from the Delivery. *Coke, lib. 5. fol. 1.*

If any Deed be shewed to a Court at *Westminster*, it shall remain in Court (by Judgment of the Law,) all the Term, in which it is shewed, for all the Term in Law, is but as one day. *Coke, lib. 5. fol. 74.* If a Church be void, and the Patron does not present within Six Moneths, then

then the Bishop of the Diocese may collate his Chaplain, but these Six Moneths shall not be Computed according to Twenty eight days in the Month, but according to the Kalendar. See *Kalendar-moneth.*

Computo (Lat.) Is a Writ so called of the Effect; which compels a Bailiff, Chamberlain, or Receiver, to yield his account. *Old Nat. Br. fol. 58.* It is founded on the Statute of Westm. 2. cap. 2. And it lies also for Executors of Executors. *15 Edw. 3. Stat. de provis. viuul. cap. 5.* Thirdly, Against the Guardian in *Saccege* for Waste made in the Minority of the Heir. *Marlbr. cap. 17.* And see further in what other Cases it lies, *Reg. of Writs, fol. 135.* *Fitz. Nat. Br. fol. 116.*

Conabel (Fr. *Convenable*, i. Convenient or fitting) — *We ordain, that there be made a Hache of Conabyl heythe, crestyd with Pikes of Herne, to foze the entry of your Rechyne, that no strange peopille may enter with certain Clekete, adfised be you, and be your Steward to such persons, as you and them think honest and Conabel.* Artic. Decani & Capit. S. Pauli Priorat. S. Helenæ. Dat. 21 Junii, 1439.

Concealers (*Conclatores*) Are such as finde out concealed Lands, that is, such Lands as are privily kept from the King by common persons, having nothing to shew for their Title or Estate therein. *Anno 39 Eliz. cap. 22.* and *21 Jac. cap. 2.* They are so called a *Concelando*, as *Mons à Movendo, per Antiprasin.* See *3 Part. Inst. fol. 188.* Where the Author calls them *Turbidum hominum genus.*

Concessions (a word much used in Conveyances) In Law it creates a *Covenant*, as *Dedi* does a *Warranty*. *Coke on Little. fol. 384.*

Concord (*Concordia*, Agreement) Is, by a peculiar signification, defined to be the very Agreement between Parties, who intend the levying a Fine of Lands one to the other, how, and in what manner the Land shall pass. But in the form of it, many things are to be considered. *West. pa. 2. Symb. tit. Fines and Concord, Sect. 30.* whom read at large.

Concord is also an Agreement made (upon any Trespafs committed) betwixt two or more; and is divided into a *Concord Executory*, and a *Concord Executed*. See *Plowden*, in *Reniger* and *Fogassa's Case*, fol. 5, 6, & 8. where it appears by some opinion, That the one bindes not, as being imperfect; the other absolute, and ties the party: Yet by some other opinion in the same Case, it is affirmed, That Agreements Executory, are perfect, and bind no less then Agreements executed.

Concubinage (Fr.) Signifies properly the keeping a Whore for ones own filthy use; but it is used as an exception against her, who sues for Dower, alleging thereby that she was not Wife lawfully married to the party, in whose Lands she seeks to be endowed, but his Concubine. *Britton, cap. 107.* *Bratton, lib. 4. tract. 6. cap. 8.*

Condors (from the Fr. *Conduire*, i. to conduct) Are such as stand upon high places, near the Sea-coast, at the time of Herring-Fishing, to make signs with Boughs, &c. to the Fishers, which way the shoal of Herrings passeth, which may better appear to such as stand upon some high Cliff on the shore, by a kinde of blew colour they cause in the Water, then to those that are in the Ships. These are otherwise called *Huers*, (of the Fr. *Heuer*, i. *Exclamare*) and *Balkers*, *Directors*, and *Guiders*, as appears by the Statute *1 Jac. cap. 23.*

Condition (*Conditio*) Is a Manner, Law, Quality, or Restriction annexed to Mens Acts, qualifying or suspending the same, and making them uncertain, whether they shall take effect, or no. *West. pa. 1. Symb. lib. 2. sect. 156.* In a Lease there may be two sorts of *Conditions*; *Condition collateral*, or *Condition annexed to the Rent*. *Coke, lib. 3. Tenants Case, fol. 64.* *Collateral Condition*, is that which is annexed to any Collateral Act, as, that the Lessee shall not go to Paris. *Ibidem, fol. 65.* *Condition* is also divided into *Condition in Deed or Fact*, and *Condition in Law*; which otherwise may be termed *Condition expresse*, and *Condition implied*. *Perkins, tit. Conditions.*

Condition in Deed, Is that which is knit and annexed by express words to the Feoffment, Lease, or Grant, either in writing, or without writing: As if I enteoff a Man in Lands, reserving a Rent to be paid at such a Feast, upon *Condition*, if the Feoffee fail of payment at the day, then it shall be lawful for me to re-enter.

Condition Implied, which is called a *Condition in Law*, Is when a Man Grants to another the Office of Keeper of a Park, Steward, Bailiff, or the like for Life, though there be no *Condition* at all expressed in the Grant; yet the Law makes one covertly, which is, if the Grantee does not justly execute all things pertaining to his Office by himself, or his sufficient Deputy, it shall be lawful for the Grantor, to enter and discharge him of his Office. See *Littleton, lib. 3. cap. 5.*

Cone and Key. *Bratton, lib. 2. cap. 37. num. 3.* *Femina in tali etate (i. 14 & 15 Annorum) potest disponere Domus sua & habere Cone & Key.* **Coline** in the Saxon, signifies *Calculus, computus*; and **Key, clavis.** So that a Woman was then held to be of competent years, when she was able to keep the *Accounts* and *Keys* of the House; and *Glanv. lib. 7. cap. 9.* hath somewhat to the same purpose.

Confederacy (*Confederatio*) Is when two or more confederate or combine themselves to do any damage to another, or to commit any unlawful act. And though a Writ of Conspiracy does not lie, if the party be not indicted, and in lawful manner acquitted, for so are the words of the Writ; yet false confederacy between divers persons shall be punished, though nothing be put in execution, which appears by the Book of *27 Assis. Placit. 44.* where two were indicted of *Confederacy*, each to maintain other,

other, whether their matter were true or false, and though nothing were supposed to be put in practise, the Parties were enjoyn'd to answer, since the thing is forbidden by Law. So in the next Article, in the same Book, enquiry shall be made of *Confederators* and *Confederates*, which binde themselves together, &c. This *Confederacy*, punishable by Law before it be executed, ought to have four incidents. First, It must be declared by some matter of prosecution, as by making of Bonds or Promises the one to the other: 2. *Malicious*, as for unjust revenge. 3. It ought to be *false*, against an innocent. Lastly, to be out of Court, voluntary. *Termes de la Ley.*

Confirmation (*Confirmatio*) Is a strengthening or confirming an estate to one, who hath the possession, by a voidable Title, though not at present void. As, a Bishop grants his Chancellorship by Patent for term of the Patentees life: This is no void grant, but voidable by the Bishops death, except it be strengthened by the Dean and Chapters Confirmation. See more of this in *West.* pa. 1. *Symb.* lib. 2. sect. 500. *Fitz. Nat. Br.* fol. 169. b. and *Littleton*, lib. 3. cap. 9.

Confiscate, From the Lat. *Confiscare*, and that from *Fiscus*, which originally signifies a Hamper, Pannier or Basket; but Metonymically the Emperors Treasury, which was anciently kept in such Hampers; and though our King keeps not His Treasure in such things, yet (as the Romans said) such Goods as were forfeited to the Emperors Treasury for any offence, were *Bona confiscata*, so say we of those that are forfeited to our Kings Exchequer. And the title to have these Goods, is given the King by the Law, when they are not claimed by some other. As, if a Man be indicted for feloniously stealing the Goods of another, where in truth they are the proper Goods of him indicted, and they are brought in Court against him; who, being asked what he faith to the said Goods, disclaims them. By this Disclaiming he shall lose the Goods, though he be afterwards acquitted of the Felony, and the King shall have them as *Confiscate*; but otherwise, if he had not disclaimed them. So where Goods are found in the Felons possession, which he disavows, and afterwards is attainted of other Goods, and not of them, there the Goods which he disavows, are *Confiscate* to the King; but had he been attainted of the same Goods, they should have been said forfeited, not *Confiscate*, notwithstanding his disavowment. See more in *Stamf. Pl. Cor.* lib. 3. cap. 24. Note, *Confiscare* & *Forisfacere*, are *Synonyms*; and *Bona confiscata*, are *Bona forisfacta*. 3 *Inst. fol.* 227.

Confrarie (Fr.) A Fraternity, Fellowship, or Society; as the *Confrarie de Saint George*, or *de les Chevaliers de la bleu Jartier*. *Selden.*

Confrères (Fr. *Confreres*) Brethren in a Religious House; Fellows of one and the same House or Society. *Anno 32 Hen. 8. cap. 24.*

Congeable (from the Fr. *Conge*, i. Leaves Licence, or Permission) Signifies as much as lawful or lawfully done, or done with leave or permission, as, *The entry of the Diffee is congeable*: *Littleton*, *sect. 41.* and 2 *par. Croke*, *fol. 21.*

Conge d'Accorder. (Fr. i. Leave to accord or agree) I finde it in the Statute of *Fines*, *An. 18 Edw 1.* in these words — *When the Writ original is delivered in presence of the Parties before Justices, a Pleader shall say this, Sir Justice Conge d'Accorder, and the Justice shall say to him, What faith Sir R. and shall name one of the Parties, &c.*

Conge d'Eslire (Fr. i. Leave to chuse) Signifies the Kings Permission Royal to a Dean and Chapter, in time of Vacation, to chuse a Bishop, or to an Abbey or Priory of his own Foundation, to chuse their Abbot or Prior. *Fitz. Nat. Br. fol. 169, 170.* — *Gwin*, in the Preface to his *Readings*, says, *The King of England*, as Sovereign Patron of all Arch-Bishopricks, Bishopricks, and other Ecclesiastical Benefices, 'had of ancient time free appointment of all Ecclesiastical Dignities, whensover they chanced to be void, investing them first per baculum & annulum; and afterwards by His Letters Patent, and that in proceſs of time he made the Election over to others, under certain Forms and Conditions; as namely, that they should, at every vacation, before they chuse, demand of the King Conge d'Eslire, that is, Leave to proceed to Election, and then after the Election, to crave His Royal assent, &c. And he affirms, that King John was the first that granted this, which was afterward confirmed by *Wifm. 1. cap. 1.* and again, by *Articuli Cleri, cap. 2.*

Congius, An ancient Measure of Six Sexaries; which is about a Gallon, and a Pint. — *Et reddit quinque Congios celia & unum libromelli, & triginta panes cum perisentibus pulmentariis. Carta Edmundi Regis de Anno 946.*

Conisance, See *Cognizance*.
Conisor alias **Cognitor** (Recognizer) Is used in the passing of Fines for him that acknowledges the Fine; and the Conizor is he to whom the Fine is acknowledged. *Anno 32 Hen. 8. cap. 5. West. pa. 1. Symb. lib. 2. sect. 49. and Parte 2. tit. Fines, sect. 114.*

Conjuration (*Conjuratio*) Signifies a Plot or Confederacy, made by some persons combining themselves together, by oath or promise, to do some publick harm. But it is more especially used for the having personal conference with the devil, or some evil spirit, to know any secret, or to effect any purpose. *Anno 5 Eliz. cap. 16.* The difference between *Conjuration* and *Witchcraft* seems to be, because the one endeavors by Prayers and Invocation of Gods powerful names, to compel the devil to say or do what he commands him; the other deals rather by friendly and voluntary conference or agreement with the devil or familiar,

to have her, or his desires served, in lieu of blood, or other gift offered him, especially of his or her Soul. And both these differ from *Enchantments* or *Sorceries*; because those are personal conferences with the Devil, as is said; and these are but Medicines and Ceremonial Forms of words (called commonly *Charms*) without Apparition. *Cowel.*

Consanguineo, Is a Writ, which see in the Reg. of Writs, de Avo. Pro aro, & Consanguineo, fol. 226.

Conserbator of the Truce, and safe Conducts (*Conservator induciarum & salvorum Regis Conduicium*) Was an Officer appointed in every Sea-Port, under the Kings Letters Patent, and had forty pound for his yearly stipend at the least. His charge was to enquire of all offences done against the Kings truce and safe Conducts upon the main Sea, out of the franchises of the Cinque Ports, as the Admirals of Custom were wont, and such other things as are dec'ared Anno 2 Hen.5. cap.6. Touching this matter a'so, see the Statute of 4 Hen.5. cap.7.

Conserbator of the Peace (*Conservator vel custos Pacis*) Is he that hath an especial charge, by vertue of his Office, to see the Kings Peace kept: Which Peace, *Lambert* defines to be, a with-holding or abstinance from that injurious force and violence, which boisterous and unruly persons are, in their nature, prone to use towards others, were they not restrained by Laws, and fear of punishment: He farther adds, that before the time of King *Edward* the Third, who first erected Justices of Peace, there were sundry persons, who by the Common Law, had interest in keeping the Peace. Of those, some had that charge, as incident to the Offices they bore, and so included in the same, that they were called by the name of their Office onely; others had it simply as of it self, and were thereof named *Custodes Pacis*, Wardens, or Conservators of the Peace. The former and later sort he again subdivides in his *Egren*, lib.1. cap.3. The Corporation of the great Level of the Fens, does consist of one Governor, Six Bailiffs, Twenty Conservators and Commonalty; as by the Act of Parliament, 15 Car.2. cap. 17. appears. The Chamberlain of Chester, is a Conservator of the Peace in that County, by vertue of his Office. 4 Inst. fol. 212. And Petty Constables are by the Common Law, Conservators of the Peace, &c. Conservators of the Privileges of the Hospitalers, and Templers, &c. Westm. 2. cap.43. See 4 Inst. fol. 341.

Consideration (*Confidratio*) Is the material cause, the *Quid pro quo* of any Contract, without which no Contract binds. This *Consideration*, is either expressed, as if a Man bargain to give Five pounds for a Horse; or implied, as when the Law it self inforsces a *Consideration*; as if a Man come into a Common Inn, and there stay some time, taking Meat and Lodging, or either for himself and his Horse, the Law presumes he intends to pay for both, though there be no express Contract be-

twixt him and his Host; and therefore, if he discharge not the House, the Host may stay his Horse. *Fulb. Paral. tract. Contracts*, fol.6.

Consistory (*Consistorium*) Signifies as much as *Pratorum* or *Tribunal*. It is commonly used for a Council-House of Ecclesiastical Persons, or the place of Justice in the Court Christian; a Session or Assembly of Prelates. Every Archbishop and Bishop of every Diocese, hath a *Consistory* Court held before his Chancellor or Commissary in his Cathedral Church, or other convenient place of his Diocese, for Ecclesiastical Causes. See 4 Inst. fol. 338. — *Sciatis vos omnes & ceteri mei filii, qui in Anglia manent, quod Episcopales Leges, que non bene secundum Sanctorum Canonum praecepta, usque ad mea tempora, in Regno Anglorum fuerunt, communi Concilio Archiepiscoporum meorum & ceterorum Episcoporum & Abbatum & omnium Principum Regni mei, emendandas judicavi. Propterea mando & Regia Authoritate precipuo, ut nullus Episcopus vel Archi-Deaconus de Legibus Episcopalis amplius in Hundred placita teneant, nec causam, que ad regimen animalium pertinet, ad judicium secularium hominum adducant, &c.* This Law, made by the Conqueror, seems to give the original of the *Bishops Consistory*, as it fits with us divided from the *Hundred* or *County-Court*, wherewith in the Saxon time it was joyned. And, in the same Law of his, is further added, *Hoc etiam defendo, ut nullus laicus homo de Legibus que ad Episcopum pertinent, se intromittat, &c.* Seldens Hist. of Tithes, pag. 413, 414.

Consolidation (*Consolidatio*) Is used for the combining and uniting two Benefices in one. *Broke, tit. Union*, and Anno 37 Hen.8. cap.21. This word is taken from the Civil Law, where it signifies properly an uniting of the possession, occupation, or profit, with the property. As, if a Man have by Legacy *Usum-fructum fundi*, and afterwards buy the Property or Fee-simple (as we call it) of the Heir; this is called a *Consolidation*. See *Union*, and *Unity of Possession*.

Conspirators, Are (according to the Statute) those that do confeder, or bind themselves by *Oath, Covenant, or other Alliance*, that every of them shall aid, and bear the other, falsly and maliciously to inde, or cause to inde, or falsly to move or maintain Pleas: And also such as cause Children within age, to Appeal Men of Felony, whereby they are imprisoned and sore grieved; and such as retain Men in the Country, with Liberties or Fees to maintain their malicious enterprizes: And this extendeth as well to the takers, as to the gibers. And Stewards and Bailiffs of great Lords, which by their Seigniory, Office, or Power, undertake to bear or maintain Quarrels, Pleas, or Debates that concern other Parties, then such as touch the estate of their Lords, or themselves. Anno 33 Edw.1. Stat.2. — 2 Part. Inst. fol. 584. and 562.

Conspiracy (*Conspiratio*) Though both in Latin and French, it be used for an Agreement of Men to do any thing, either good or bad; yet in our Law-Books, it is always taken in the evil part. *Anno 4 Edw. 3. cap. 11.* — *3 Hen. 7. cap. 13.* — *1 Hen. 5. cap. 3.* and *18 Hen. 6. cap. 12.* As also *New Book of Entries*, *verbo Conspiracy*. In which places, *Conspiracy* is taken more generally, and contounded with *Maintenance* and *Champerty*; but, in a more special signification, it is used for a Confederacy of two, at the least, fally to endite one, or to procure one to be endited of Felony. And the punishment of it, upon an Indictment of Felony, at the Kings suit, anciently was, That the party attainted, lose his Frank-Law, to the end, he be not empannel'd upon Juries or Assizes, or such like employments, for testifying the truth; and if he have to do in the Kings Court, that he make his Attorney; and that his Lands, Goods, and Chattels be seised into the Kings hands, his Lands estreaped (if he finde no better favor) his Trees raced, and his Body committed to prison. *27 Lib. Assis. 59.* *Cromptons Just. of Peace*, fol. 156. b. This is called *Villanous Judgment* or Punishment. See *Villanous Judgment*. But if the party grieved, sue upon the Writ of *Conspiracy*, then see *Fitz. Nat. Br. fol. 114. D. 115. I.* *Conspiracy* may be also in Cases of less weight; As *Conspiracies* made by *Vithualers*, touching selling of *Victuals*, shall be grievously punished. See *37 Hen. 8. 23.* and *3 Part. Inst. fol. 143.*

Conspiratione, Is a *Writ* that lies against *Conspirators*. *Fitz. Nat. Br. fol. 114. d.* *Cromptons Jurisd. fol. 209.* See also the *Register*, fol. 134.

Constable (*Constabularius*) Is a Saxon word compounded of *Cuning* or *Cynig*, and *Staple*, which signifie the stay and hold of the King. *Lamb. Duty of Constables*, num. 4. But I have seen it derived from *Comes Stabuli*, which seems more probable; because we had this Officer, and many others from the *Casarean Laws*, and Customs of the Empire, as well as from the *Saxons*.

This word is diversly used, First for the *Constable of England*, of whose great Dignity and Authority, we may finde many proofs in the Statutes and Chronicles of this Realm. His Function consists in the care of the common Peace of the Land, in Deeds of Arms, and Matters of War. *Lamb. ubi supra.* With whom agrees the Statute of *13 Rich. 2. cap. 2. Stat. 1.* which says, To the Court of the *Constable* and *Marshal*, it appertains to have Conusance of Contracts and Deeds of Arms and of War, out of the Realm, and also of things that touch War within; as Combats, Blasfony of Arms, &c. But it may not meddle with *Battel* in Appeals, nor generally with any other thing that may be tryed by the Law of the Land. See *Forfeso*, *cap. 32.* and *4 Inst. fol. 123.*

Out of this High Magistracy of *Constable of England* (says *Lambert*) were drawn those Inferior *Constables*, which we call *Constables*

of *Hundreds* and *Franchises*; and first ordained by the Statute of *Winchester*, *Anno 13 Edw. 1.* which appoints for conservation of the Peace, and view of Armor, two *Constables* in every *Hundred* and *Franchise*, which in Latin are called *Constabularii Capitales*, *High Constables*; because continuance of time and increase, both of People and Offences, hath, under these, made others in every Town called *Petty Constables*, in Latin *Sub-Constabularios*, which are of like nature, but of Inferior Authority to the other. The making of a *Petty Constable* belongs to the Lords of divers Mannors, *Jure Feudi*. Of these, read *Smith de Rep. Angl. lib. 2. cap. 22.* Besides these there are Officers of particular places, called by this name, as *Constable of the Tower*. *Stamf. Pl. Cor. fol. 152.* *Anno 1 Hen. 4. cap. 13.* *Constable of the Exchequer*, *Anno 51 Hen. 3. Stat. 5.* *Constable of Dover Castle*, *Cam. Britan. pag. 239.* *Fitz. Nat. Br. fol. 240.* But these are *Castellani* properly, as *Lambert Notes*, though confounded in name with the other. See the Statute *Anno 32 Hen. 8. cap. 28.* — *Manwood*, *par. 1. cap. 13.* mentions a *Constable of the Forest*.

Constat (Lat.) Is the name of a kinde of Certificate, which the Clerk of the *Pipe*, and Auditors of the *Exchequer* make, at the request of any person, who intends to plead or move in that Court, for discharge of any thing. *Anno 3 & 4 Edw. 6. cap. 4.* and *13 Eliz. cap. 6.* The effect of a *Constat* is the certifying what does *constare* upon Record, touching the matter in question, and the Auditors Fee for it, is *13 s. 4 d.*

A *Constat* is held to be Superior to a *Certificate*, because this may erre or fail in its Certents, that cannot; as certifying nothing, but what is evident upon Record. Also, the Exemplification under the Great Seal of the Inrollement of any Letters Patent is called a *Constat*. *Coke on Littl. fol. 225. b.* The difference between a *Constat*, *Inspectinus* & *Vidimus*, you may read at large in *Pages Case*. *Cokes fifth Report.*

Constitutusibus & Herbitis, Is a *Writ* of Right Close, which lies against the Tenant that deforceth his Lord of the Rent or Service due to him. Of this see more in *Old Nat. Br. fol. 77.* *Fitz. Nat. Br. fol. 151.* and *Reg. of Writs*, *fol. 159.*

Consultation (*Consultatio*) Is a *Writ* whereby a Cause, being formerly removed by *Prohibition* from the Ecclesiastical Court or Court Christian, to the Kings Court is returned thither again. For, if the Judges of the Kings Court, upon comparing the *Libel* with the suggestion of the party, finde the suggestion false, or not proved; and therefore, the Cause to be wrongfullly called from the Court Christian, then upon this *Consultation* or Deliberation, they Decree it to be returned again; whereupon the *Writ* in this Case obtained, is called a *Consultation*. Of this you may read *Reg. of Writs*, *fol. 44, 45.* — *Usque 58. Old Nat. Br. fol. 32.* *Fitz. Nat. Br. fol. 50.* The Statute of

the Writ of Consultation, Anno 24 Edw. I. and 2 Part. Inst. fol. 105.

Contenement (*Contentemntum*, As — *Salvo contenemento suo*, Mag. Cha. cap. 14.) Signifies his Countenance, Credit, or Reputation, which he hath, together with, and by reason of his Freehold; and in this sense does the Statute of 1 Edw. 3. and Old Nat. Br. use it, where *Countenance* is used for *Contentement*: The Armor of a Soldier is his Countenance; the Books of a Scholar, his Countenance, and the like. Coke, 2 Part. Inst. fol. 28. Bratton, lib. 3. Tract. 2. cap. 1. num. 3. And Sir Henry Spelman says, *Contentemntum est estimatio & conditionis forma, qua quis in Repub. subsistit.*

Contingent Use, Is a Use limited in a Conveyance of Land, which may, or may not happen to vest; according to the contingency expressed in the Limitation of such Use. See *Cloudlegh Case*, in Cokes 1 Rep.

Continuance, Is as *Prorogatio* in the Civil Law. For example, *Continuance* until the next Assize. Fitz. Nat. Br. fol. 154. F. and 244. D. in both which places it is said, if a Record in the Treasury be alleged by the one party, and denied by the other, a *Ceritorari* shall be sued to the Treasurer, and the Chamberlain of the Exchequer, who, if they certify not in the Chancery, That such a Record is there, or that it is likely to be in the Tower, the King shall send to the Justices, repeating the Certificate, and will them to continue the Assize. In this signification, it is likewise used by Kitchin, fol. 202. and 199. And Anno 11 Hen. 6. cap. 4. And *Continuance of a Writ or Action*, is from one Term to another, in case where the Sheriff hath not returned or executed a former Writ, issued out in the said Action.

Continual Claim, Is a Claim made from time to time, within every year and day, to Land, or other thing, which in some respect, we cannot attain without danger. As, if I be dispossessed of Land, into which, though I have a right, I dare not enter for fear of beating, it behoves me to hold on my right of Entry at my best opportunity, by approaching as near it as I can, once every year, as long as I live, and so I save the right of Entry to my Heir. See more in Littleton, *verbo*, *Continual Claim*, and the *New Book of Entries*, *ibidem*. And Fleta, lib. 6. cap. 53.

Continuando, Is a word used in a special Declaration of Trespass, when the Plaintiff would recover damages for several Trespasses in the same Action: For, to avoid multiplicity of Sutes, a Man may in one Action of Trespass, recover damages for forty or more Trespasses, laying the first to be done with a *Continuance* to the whole time, in which the rest of the Trespasses were done; and is in this Form, *Continuando transgressionem predictam, &c. a predictis die, &c. Usque* such another day, including the last Trespass.

Contours. See *Countors*.

Contrabanded Goods (from *contra*, and the Ital. *Bando*, an Edict or Proclamation) Are

those which are prohibited by Act of Parliament, or Proclamation, to be imported into, or exported out of this, or other Nations.

Contract (*Contractus*) Is a Covenant or Agreement between two, with a lawful Consideration or Cause. West, pa. 1. Symb. lib. 1. sect. 10. As if I sell my Horse for Money, or Covenant, in consideration of 20l. to make you a Lease of a Farm; these are good Contracts, because there is *Quid pro quo*.

Vsurious Contract, Is a Contract to pay more interest for any Money, than the Laws and Statutes of this Realm allow. It is a *Devastavit* in an Executor, to pay a Debt upon an *Vsurious Contract*. Noy's Reports, fol. 129.

Contrafactio (*Contrafactio sigilli Regis*) A Counterfeiting. As *Contrafactio sigilli Regis*.

Contra foymam Collationis, Was a Writ that lay against an Abbot, or his Successor, for him or his heir, who had given Land to an Abbey for certain good uses, and found a Fiefment made thereof by the Abbot, with assent of the Tenants, to the Disinheritor of the House and Church. This was founded on the Statute of Westm. 2. cap. 41. See *Reg. of Writs*, fol. 238. and *Fitz. Nat. Br.* fol. 210.

Contra foymam Feoffamenti, Is a Writ that lies for the Heir of a Tenant enfeoffed of certain Lands or Tenements, by Charter of Feoffment of a Lord, to make certain Services and Sutes to his Court, and is afterward distained for more, then is contained in the said Charter. *Reg. of Writs*, fol. 176. *Old Nat. Br.* fol. 162.

Contributione facienda, Is a Writ, that lies, where more are bound to one thing, and one is put to the whole burden. *Fitzb. (Nat. Br. fol. 162.)* brings these examples, If Tenants in Common or Joyn, hold a Mill *Pro indiviso*, and equally take the profits thereof, the Mill falling to decay, and one or more of them refusing to contribute towards its reparation, the rest shall have this Writ to compel them. And if there be three Coparceners of Land, that owe suit to the Lords Court, and the eldest performs the whole, then may she have this Writ to compel the refuser to a Contribution. *Old Nat. Br. (fol. 103.)* frames this Writ to a Case, where one only fute is required for Land, and that Land being sold to divers, fute is required of them all, or some of them by Distress, as intirely, as if all were still in one. See *Reg. of Writs*, fol. 176.

Controller (Fr. *Contrôleur*) We have divers Officers of this name; as *Controller of the Kings House*, Anno 6 Hen. 4. cap. 3. *Controller of the Navy*, 35 Eliz. cap. 4. *Controller of the Custom*, Cromp. Jurisd. fol. 105. *Controller of Calis*, 21 Rich. 2. cap. 18. *Controller of the Mints*, 2 Hen. 6. cap. 12.

Controller of the Hamper, Is an Officer in the Chancery attending the Lord Chancellor daily in the Term time, and upon Seal days. His Office is to take all things sealed from the Clerk of the Hanaper, inclosed in Bags of Leather, and to note the just number and effect of all things

things so received, and enter the same in a Book, with all the duties, appertaining to His Majesty, and other Officers for the same, and so charges the Clerk of the Hanaper with it.

Controller of the Pipe, Is an Officer of the Exchequer, who writes out Summons twice every year to the Sheriffs to levy the Farms, and Debts of the Pipe, and keeps a Controlment of the Pipe, and was anciently called *Duplex Inquisitor.*

Controller of the Pell, Is also an Officer of the Exchequer, of which sort there are two, viz. The two Chamberlains Clerks, that do or should keep a Controlment of the Pell, of receipts and goings out : This Officer was originally one, who took notes of any other Officers accounts or receipts, to the intent to discover him, if he dealt amiss, and was ordained for the Princes better security ; for proof whereof, read *Fleta, lib. 1. cap. 18.* And the Stat. 12 Edw. 3. cap. 3.

Controboz (Fr. *Controueur*) He that of his own head, devises or invents false bruits, or feigned news. 2 Inst. fol. 227.

Conbenable (Fr.) Agreeable, suitable, convenient or fitting. Anno 27 Edw. 3. Stat. 2. cap. 21. and 2 Hen. 6. cap. 2. See *Covenant.*

Contenticle (*Conventiculum*) A little private Assembly or Meeting, for exercise of Religion ; first, attributed in disgrace to the Schools of Wickliff in this Nation, above 200 years since, and now applied to the Illegal Meetings of the Non-conformists, and is mentioned in the Stat. 1 Hen. 6. cap. 3. and 16 Car. 2. cap. 4.

Contentio, Is a word much used both in Ancient and Modern Law-pleadings, for an Agreement or Covenant : For example, take this pleasant Record.

*Ex libro Rotulorum Curie Manerii de Hatfield
(juxta Insulam de Axholme) in Com.
Ebor.*

*Curia tenta apud Hatfield die Mercurii
Prox^o post Festum—Anno xi^o. Edw. 3^{ui}.*

Robertus de Roderham qui optulit se versus Johannem de Ithen de eo quod non teneat Conventionem inter eos factam, & unde queritur, quod certo die & anno apud Thorne convenit inter praedictum Robertum & Johannem, quod praedictus Johannes vendidit praedicto Roberto Diabolum ligatum in quodam ligamine pro iiii^d. ob. & super praedictus Robertus tradidit praedicto Johanni quoddam obolum-earles (i. earnest-money) per quod proprietas dicti Diaboli commoratur in persona dicti Roberti ad habendum deliberationem dicti Diaboli, infra quartam dsem prox^o sequent. Ad quam diem idem Robertus venit ad prefatum Johannem, & petit deliberationem dicti Diaboli, secundum Conventionem inter eos factam ; idem Johannes praedictum Diabolum deliberare voluit, nec abduc vult, &c. ad grave dampnum ipsius Roberti

Ix^o. Et inde producit se Etiam, &c. & praedictus Johannes venit, &c. Et non dedit Conventionem praedictam. Et quia videtur Curia quod tale placitum non jacti inter Christianos, Ideo partes praedicti adjournantur usque in infernum, ad audiendum judicium suum, & utraque pars in misericordia, &c.

Conventione, Is a Writ that lies for the breach of any Covenant in writing. Reg. of Writs, fol. 185. Old Nat. Br. fol. 101. Fitz. (Nat. Br. fol. 145.) calls it a *Writ of Covenant*, who divides Covenants into personal and real, making a discourse of both, as also how this Writ lies for both.

Contentualis, Are those Religious Men, who are united together in a Convent or Religious House. See *Frier Observant.*

Contentual Church. See *Parish.*

Convict (*Convictus*) Is he that is found guilty of an Offence by Verdict of a Jury. Stamf. Pl. Cor. fol. 186. yet Crompton, out of Judge Dyer's Commentaries, 275, saith, That Conviction is, either when a Man is outlawed, or appears, and confesseth, or else is found guilty by the Inquest. Cromp. Just. of Peace, fol. 9. Conviction and Attainer are often confounded. See *Attaint* and *Attainted*.

A Convict Recusant, Is one that hath been legally presented, indicted and convicted for refusing to come to Church to hear the Common-Prayer, according to the Statutes. 1 Eliz. 2. —23 Eliz. 1 and 3 Jac. 4. And these are commonly understood to be Popish Recusants ; though many others, that refuse to come to Church for the purpose aforesaid, may as properly be called Recusants. See *Jury.*

Convocation (*Convocatio*) Is the Assembly of all the Clergy to consult of Ecclesiastical Matters in time of Parliament : And as there are Two Houses of Parliament ; so are there Two Houses of Convocation ; the one called the Higher Convocation House, where the Archbishops and Bishops sit severally by themselves, the other the Lower Convocation House, where all the rest of the Clergy sit. Anno 23 Hen. 8. cap. 19. See *Prolocutor.*

Conusance. See *Cognisance.*

Conusant (Fr. *Cognosant*) Knowing, understanding, apprehending. —If th^e son be Conusant, and agrees to the Feoffment, &c. Coke on Littl. fol. 159. b.

Conusor. See *Cognizor.*

Cooperatura, A Thicket or Covert of Wood. Carta de Foresta, cap. 12.

Coparceners (*Participes*) Otherwise called Parceners, are such as have equal portion in the inheritance of their Ancestor. Littleton (lib. 3.) says, Parceners are either by Law, or by Custom ; Parceners by Law, are the issue Female, which (in default of Heir-male) come in equality to the Lands of their Ancestor. Bratton, lib. 2. cap. 30. Parceners by Custom are those, who by custom of the Country, challenge equal part in such Lands, as in Kent, by Gavel-kind. Of these you may read more at large in Littl.

Littl. lib. 3. cap. 1. & 2. and Britton, cap. 27. The Crown of Englaud is not subiect to Coparceny. Anno 25 Hen. 8. cap. 22.

Cope, Is a Custom or Tribute due to the King, or Lord of the Soil, out of the Lead-Mine, in the Wapentake of Wirksworth in Com. Derby;—of which, thus Mr. Manlove in his Treatise of those Liberties and Customs, Printed 1653.

—Egress and Regress to the Kings High-way,
The Miners have ; and **Lot** and **Cope** they pay.
The Thirteenth Dish of Oar within their Mine,
To the Lord for **Lot**, they pay at Measuring time.
Six pence a Load for **Cope** the Lord demands,
And that is paid to the Berghmasters bands,
Ec.

Copia libelli deliberanda, Is a Writ that lies in Case, where a Man cannot get the Copy of a Libel at the hands of the Judge Ecclesiastical. Reg. of Writs. fol. 51.

Copihold (*Tenura per Copiam Rotuli Curiae*) Is a Tenure for which the Tenant hath nothing to shew, but the *Copy* of the Rolls made by the Steward of his Lords Court. For, as the Steward enrolls and makes Remembrances of all other things done in the Lords Court; so he does also of such Tenants as are admitted in the Court, to any parcel of Land or Tenement belonging to the Mannor, and the Transcript of this, is called the *Court-Roll*, the *Copy* whereof the Tenant keeps, as his only evidence. Coke, lib. 4. fol. 25. b. This is called a *Base Tenure*, because it holds at the Will of the Lord. Kitchin, fol. 80. cap. *Copiholds*. Fitzb. (Nat. Br. fol. 12.) says, It was wont to be called *Tenure in Villenage*, and that *Copihold* is but a new name; and yet it is not simply at the Will of the Lord, but according to the Custom of the Mannor. So that if a *Copiholder* break not the Custom of the Mannor, and thereby forfeit his Tenure, he seems not so much to stand at the Lords curteisie for his right, that he may be displaced at his pleasure. These Customs are infinite, varying in one point, or other, almost in every several Mannor.

Copiholders do upon their Admittances, pay a Fine to the Lord of the Mannor, of whom the Lands are holden, which Fines are in some Mannors certain, in others uncertain: Those which are uncertain, the Lord rates at what Fine he pleaseth; but if it exceeds two years value, the Courts of Chancery, Kings Bench, Common Pleas, or Exchequer, have in their several Jurisdicitions, power to reduce the Fine unto two years value.

Copiholds, are a kinde of Inheritance, and called in many places *Customary*; because the Tenant dying, and the *bold* being void, the next of the Blood, paying the *Customary Fine*, as Two shillings for an Acre, or such like, may not be denied his admission. Secondly, some *Copiholders* have by Custom, the Wood growing upon their own Land, which by Law they could not have. Thirdly, Others hold by the

Verge in ancient Demesns, and though they hold by *Copy*, yet are they in account a kinde of Freeholder; for if such a one commit Felony, the King hath *Annum, diem & vestum*, as in case of Freehold; some others hold by Common Tenure, called *Meer Copibold*, whose Land, upon Felony committed, Escheats to the Lord of the Mannor. Kitchin, fol. 81. Cba. *Tenants per Verge in ancient Demesn*. This is the Land, which (in the Saxons time) was called *Folkland*. West, (Par. 1. Symbol. lib. 2. sect. 6. 6.) says, *A Copiholder is he who is admitted Tenant of any Lands, or Tenements within a Mannor, which, time out of minde, by the use and custom thereof, have been Demifable to such as will take the same, by Copy of Court-Roll, according to the custom of the said Mannor, &c.* Where you may read more on this subject, see *Freebench*.

Coram non judice, —In a Cause whereof they (the Judges) have not any Jurisdiction, and then it is *Coram non judice*. 2 Part. Croke, fol. 351. Powells Case.

Coraage (*Coraagium*) Is a kinde of Imposition extraordinary, growing upon some unusual occasion, and it seems to be of certain Measures of Corn. For *Corus triticis*, is a Measure of Corn. Bratton, lib. 2. cap. 116. num. 6. Who in the same Chapter, num. 8. hath these words. —*Sunt etiam quedam communes præstationes, quæ servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intencenerit, vel cum Rex venerit; sicut sunt Hidagia, Coraagia, & Carvagia, & alia plura de necessitate & ex consensu communis totius Regni introducta, Ec.*

Cord of Wood; Ought to be eight foot long, four foot broad, and four foot high, by Statute.

Cordage (Fr.) Is a general application for Stuff to make Ropes, and for all kinde of Ropes belonging to the Rigging of a Ship. Mentioned 15 Car. 2. cap. 13. *Seamans Dictionary*.

Cordiner (vulgarly *Cordwainer*) From the Fr. *Codovanner*, a Shoo-maker, and is so used in divers Statutes, as 3 Hen. 8. cap. 10. —; *Ejusdem*, cap. 7. and others.

Cornage (*Cornagium* from *Cornu*, a Horn) Was a kinde of Grand Serjeanty; the service of which Tenure, was to blow a *Horn* when any Invasion of the Scots was perceived. And by this many Men held their Land Northward, about the *Pits-wall*. Camd. Britan. pag. 609. and Littleton, fol. 35. But by Stat. 12 Car. 2. cap. 24. All Tenures are turned into free and common Soccage.

Sir Edward Coke (on Littl. fol. 107.) says, *Cornage* is also called in old Books *Horneld*, but *quare*, for they seem to differ much. See *Horneld*, and 2 Inst. fol. 9.

Cornet-Tile. See *Gutter-Tile*.

Copody or **Corydy** (*Corodium*, from *Corrado*) Signifies a sum of Money or allowance of Meat, Drink, and Cloathing, due to the King from an Abbey, or other House of Religion,

Religion, whereof he is Founder, towards the reasonable sustenance of such a one of his servants, or vadelets, as he thinks good to bestow it on: The difference between a *Corody* and a *Pension*, seems to be, That a *Corody* is allowed towards the maintenance of any of the Kings servants in an Abbey; a *Pension* is given to one of the Kings Chaplains for his better maintenance, till he may be provided of a Benefice. Of both these, read *Fitzb. Nat. Br.* fol. 250. who sets down all the *Corodies* and *Pensions* certain, that any Abbey, when they stood, was bound to perform to the King.

Corody seems to be ancient in our Law; for in *Westm. 2. cap. 25.* it is ordained, that an *Affise* shall lie for a *Corody*. It is also apparent by the Stat. 34 & 35 Hen 8. cap. 26. That *Corodies* belonged sometimes to Bishops and Noblemen from Monasteries. Tenure in Frankalmoine was a discharge of all *Corodies* in it self. Stat. 1 Edw. 3. cap. 10. See 2 Part. Inst. fol. 630.

Sciant — quod nos Radulphus Abbas Monasterii S. Johannis de Haghmonum & ejusdem loci Conventus, ad instanciam & speciale rogatum excellentissimi & reverendissimi Domini nostri Thomas Comitis Arundelie & Surrei, — Roberto Lee unum Corodium pro termino vite sua, effundo cum Abbatore Monasterii predicti Armigerum, cum uno Garcione & duobus equis; capiendo ibidem esculenta & pulenta sufficientia proscipo, sicut Armigeri Abbatis, qui pro tempore fuerint, capiunt & percipiunt; & pro Garcione suo, sicut Garciones Abbatis & Armigerorum suorum capiunt & percipiunt; capiendo etiam pro equi suis fænum & præbendam — Et quod idem Robertus habeat vestram Armigerorum, &c. Dat. 3 Hen. 5. Mon. Angl. 2 par. fol. 933. a.

Corodio Habendo. Is a Writ, whereby to exact a *Corody* of an Abbey, or Religious House. See Reg. of Writs, fol. 264.

Coronatoze Eligendo. Is a Writ, which, after the death or discharge of any *Coroner*, is directed to the Sheriff out of the Chancery, to call together the Freeholders of the County, for the choice of a new *Coroner*, to certify into Chancery, both the election, and the name of the party elected, and to give him his Oath. See *Westm. 1. cap. 10.* *Fitzb. Nat. Br.* fol. 162. and Reg. of Writs, fol. 177.

Cozoner (*Coronator a Corona*) Is an ancient Officer of this Land (for mention is made of his Office in King *Abelsians* Charter to *Beverley*, Anno 925.) and is so called, because he deals wholly for the King and Crown. There are four of them commonly in every County, in some fewer, and in some Counties but one; they are chosen by the Freeholders of the same by the Kings Writ, and not made by Letters Patent. *Cromp. Jurisd.* fol. 126. This Officer, by the Statute of *Westm. 1. cap. 10.* ought to be a sufficient person, that is, the most wise and discreet Knight, that best would, and might attend upon such an Office, yea, there is a

Writ in the Register, *Nisi sit Miles*, fol. 177. b. whereby it appears it was sufficient cause to remove a *Coroner* chosen, if he were not a Knight, and had not a hundred shillings Rent of Freehold. The Lord Chief Justice of the Kings Bench is the Sovereign *Coroner* of the whole Realm in person, i.e. wherever he abodes, *Lib. Assifarum*, fol. 49. *Coke, lib. 4. Case of Wardens, &c. of the Sadlers*, fol. 57. b. His Office especially concerns the Pleas of the Crown: But what anciently belonged to him, read at large in *Britton*, lib. 3. tract. 2. cap. 5, 6, 7 & 8. *Britton. cap. 1. Fleta, lib. 1. cap. 18.* and *Horns Mirror*, lib. 1. cap. del *Office del Coroners*. But more aptly for the present times. *Stamf. Pl. Cor. lib. 1. cap. 51.*

There are also certain special *Coroners* within divers Liberties, as well as these ordinary Officers in every County; as the *Coroner of the Verge*, which is a certain compass about the Kings Court, whoth *Cromp.* in his *Jurisd.* fol. 102. calls the *Coroner of the Kings House*; of whose Authority, see *Cokes Rep. lib. 4. fol. 46.* By certain Charters belonging to some Colleges and Corporations, they are licensed to appoint their *Coroner* within their own Precincts. Of this Office, see also 4 *Inst. fol. 271.* *Smith de Rep. Angl. lib. 2. cap. 21.* And *Lamb. Eiren. lib. 4. cap. 3. pag. 380.* And of the *Coroners* Office in Scotland, read *Skene, verbo, Iter.*

Corporal Oath. See *Oath.*

Corporation (*Corporatio*) A Body Politick, or a Body Incorporate; so called, because the persons are made into a Body, and of capacity to take, and grant, &c. And this Body Politick or Incorporate, may commence, and be established three manner of ways, viz. By Prescription, by Letters Patent, or by Act of Parliament. Every Body Politick or Corporate, is either Ecclesiastical, or Lay: Ecclesiastical, either Regular, as Abbots, Priors, &c. or Secular, as Bishops, Deans, Arch-Deacons, Parsons, Vicars, &c. Lay, as Major, Commonalty, Bailiffs, and Burgeses, &c. Also every Body Politick or Corporate, is either Elective, Presentative, Collative, or Donative. And again, it is either sole or aggregate of many, which last is by the Civilians called *Collegium* or *Universitas*. *Coke on Littl. fol. 250.* and 3 *Inst. fol. 202.*

Corpus Christi day, (being always on the next Thursday after *Trinity Sunday*) Is a Feast instituted by the Church, in honor of the Blessed Sacrament: To which also, a College in Oxford is dedicated. It is mentioned in 32 Hen. 8. cap. 21. By which Statute, *Trinity Term* is appointed for ever to begin the Friday next after this Feast.

Corpus cum Causa; Is a Writ, issuing out of the Chancery, to remove both the Body and Record, touching the Cause of any Man lying in Execution, uppon a Judgment for Debt, into the Kings Bench, &c. There to lie till he have satisfied the Judgment. *Fitz. Nat. Br. fol. 251. E.*

Corrector of the Staple, Is an Officer or Clerk belonging to the Staple, who Writes and Records the Bargains of Merchants there made. *Anno 27 Edw. 3. Stat. 2. cap. 22. & 23.* The Romans called them *Mersarius*.

Cordroy. See *Corday*.

Corruption of Blood (*Corruptio Sanguinis*) Is an Inflection growing to the State of a Man (attainted of Felony or Treason) and to his Issue: For, as he loseth all to the Prince, or other Lord of the Fee, as his case is; so his issue cannot be heirs to him, or to any other Ancestor by him. And, if he were Noble, or a Gentleman before, he and his children are thereby ignobled and ungentiled. But, if the King pardon the offender, it will cleanse the corruption of Blood in those Children, which are born after the Pardon, and they may inherit the Land of their Ancestor, purchased at the time of the pardon, or afterward; but so cannot they, who were born before the pardon. Yet note, there are divers offences made Treason by Act of Parliament, whereof, though a Man be Attaint, yet his Blood, by Provisoes therein, is not corrupt, nor shall he forfeit any thing, but what he hath for his own life; for which, see the several Statutes of 5 Eliz. cap. 1, 11 & 14. — 18 Eliz. cap. 1. — 31 Eliz. cap. 4. and 1 Jac. cap. 12.

Corselet (Fr.) Signifies a little Body, in Latin *Corpusculum*. It is used with us for an Armor to cover the whole Body, or Trunck of a Man (*Anno 4 & 5 Phl. & Ma. cap. 2.*) where-with the Pikemen, commonly placed in the Front and Flanks of the Battle, are armed, for better resistance of the enemies assaults, and surer guard of the Gunners, placed behinde, or within them. See *Barrets Discourse of War. Lib. 3. Dial. 2.*

Cosenage (Fr. *Cousinage*, i. Kinred, Cosenhip) Is a Writ that lies, where the *Tresail* (that is, *Tritarus*, the Father of the *Besai*, or Great Grand-father) being seised in Fee, at his death of certain Lands or Tenements, and dies; a stranger enters and abates, then shall his heir have this Writ of *Cosenage*. The form whereof, see in *Fitz. Nat. Br. fol. 221*. Of this also read *Britton* at large, *cap. 89*.

Cosening, Is an offence, whereby any thing is done deceitfully in or out of Contracts, which cannot be fitly termed by any especial name. *West. pa. 2. Symb. ut. Indictments. Sect. 68.* It is called *Stellionatus* in the Civil Law.

Corsepresent (from the Fr. *Corps présent*, i. the Body presented) Signifies a Mortuary, *Anno 21 Hen. 8. cap. 6.* And the reason why it was thus termed, seems to be, That where a Mortuary, after any Mans Death, became due, the Body of the best or second Beast, was, according to the Custom, offered or presented to the Priest, and carried along with the Corps.

*In nomine Patri & Filii & Spiritus sancti.
Ego Brianus de Brompton Sen. Anno Domini
MCCLXII. in vigilia Apostolorum Simonis & Judas
condo Testamentum meum. Volo corpus meum se-*

peliri in Prioratu Majoris Malvernæ inter Prae-decessores meus, & cum corpore meo Palefridum meum, cum bernesio & Equum summarium, cum lecto meo, &c. In codice M. S. penes Gul. Dugdale, Arm.

Cot, Is a kinde of Refuse Wool; so clung or clotted together, that it cannot be pulled a funder. *Anno 13 Rich. 2. Stat. 1. cap. 9.* where it is provided, **That neither Denizier, nor Pozeiner, make any other refuse of Wools, but Cot, Gare, and Villein.** *Cot* or *Cote*, signifies also as much as *Cottage* in many places, and was so used by the *Saxons*, according to *Verstegan*.

Cotland alias *Cothethland*. *Lib. Rames. Sect. 265.* — *Dedit prædictus Abbas prædicto Hugoni pro tota terra qua tunc temporis a S. Benedicto idem Hugo tenebat, unam Cothethlandam cum libero servitio in villa qua dicitur Slepe & unum Maignagium in foro ejusdem villa — Cothethlandam hic intelligo Cotæ sedem & prædi quidpiam ad eandem pertinens. Spelman.* — *De una Cothlanda terra in Wathford. Pat. 9 Edw. 2. par. 2. m. 2.*

Cottage (*Cotagium & Chota*, from the Sax. *Cote*) Is a House without Land belonging to it. *Anno 4 Edw. 1. Stat. 1.* And the Inhabitants of such *Cottages*, are called *Cotagers*. But by a later Statute of 31 Eliz. cap. 7. No Man may build a House, but he must lay four Acres of Land to it; so that a *Cottage* is properly any little House newly built, that hath not four Acres of Land belonging to it. — *Dedit Chotan, & quendam campum junctum huius Chotæ. Mon. Angl. 1 par. fol. 201. b.*

Cottarius, A *Cotager*.

Coucher, Signifies a Factor, that continues in some place or Country for Traffick; as formerly in *Gascogn*, for buying Wines. *Anno 37 Edw. 3. cap. 16.* It is also used for the General Book, in which, any Religious House or Corporation Register their particular Acts. *Anno 3 & 4 Edw. 6. cap. 10.*

Cobenable (Fr. *Convenable*) Fit, convenient, or suitable. — **That eberp of the same thre sortz of Ffis, be god and cobenable,** as in old time hath been used. *31 Edw. 3. Stat. 3. cap. 2. Plowden, fol. 472. a.*

Covenant (*Conventio*) Is the Consent or Agreement of two or more in one thing, to do or perform somewhat. *West. par. 2. Symb. lib. 1. Sect. 4.* It seems to be as much as *Partum* or *Convenutum*, with the *Civilians*. *Covenant* is either *in Law*, or *in Fact*. *Coke, lib. 4. Nokes Case, fol. 89.* Or *Covenant Express*, and *Covenant in Law*. *Idem, lib. 6. fol. 17.* *Covenant in Law*, is that which the Law intends to be made, though it be not expressed in words: As if the Lessor demise and grant B. Acre to the Lessee for a certain term, the Law intends a *Covenant* on the Lessors part, that the Lessee shall, during the term, quietly enjoy his Leafe against all lawful incumbrance. *Covenant in Fact*, is that which is expressly agreed between the parties. There is also a *Covenant merely personal*,

sonal, and a *Covenant real*. *Fitz. Nat. Br. fol. 145.* who seems to say, a *Covenant real* is that, whereby a Man ties himself to pass a thing real, as Land or Tenements; or to levy a Fine of Land, &c. *Covenant merely personal* is, where a Man Covenants with another by Deed, to build him a House, or any other thing, or to serve him, &c. See *Conventio*.

Covenant is also the name of a Writ, for which see *Conventione*, and *New Book of Entries*, *verbo Covenant*.

Noverint omnes presentes scriptum Cyrographatum visur. vel auditur. quod xviii die April. Temporis gratiae MCCLX, ita convenit inter nos Hugonem de Okelesthorp & Adam filium Ade de Thowes, generum ejusdem Hugonis, sc. quod ego Adam non dabo, impignorabo, vendam, nec alienabo aliquam partem tenementi mei de quo fui vestitus & iustitus prædicto die, nec tenementi mīti contingenti nomine hereditatis, sine voluntate & assensu prædicti Hugonis vel heredium suorum, Et quod amabiliter tractabo uxorem meam, filiam prædicti Hugonis; Et nisi fecero, ibo per septem dies sabati nudus per medium forum de Harewode quando plenius fuerit secundum ordinationem dicti Hugonis. Omnia autem prescripta fideliter & sine fraude observanda pro me & heredibus meis, tali sacrosanctis, juravi & affidavi; Et ne istud alicui hominum vertatur in dubium, nos prædicti Hugo & Adam sigilla nostra partium huius mutuo scriptis apposuimus. His testibus, Stephano Sperry, tunc Cyrographar. Civitatis Ebor. Daniele de Tottie Clerico, Ricardo de Waleys de Acculum, Ade de Northfolch, Thomā Edwyn Allutario de Ebor. & aliis. Ex M. S. penes Gul. Dugdale, Ar.

Covenant (Fædus) The late Solemn League and Covenant, first hatch'd in Scotland, was a Seditious Conspiracy, too well known to need any Explication; it was Voted Illegal and Irreligious by Parliament in May, 1661. and provision is made against it by the Statute 14 Car. 2. cap. 4. Where it is declared to have been imposed on the Subjects of this Realm, against the known Laws and Liberties of the same.

Cobent or Cobent (Conventio) Signifies the Society or Fraternity of an Abby or Priory; as *Societas* does the number of Fellows in a College. *Braffon, lib. 2. cap. 35.*

Coverture (Fr.) Any thing that covers, as Apparel, a Coverlet; but it is particularly applied to the state and condition of a married Woman, who by our Law is *Sub potestate viri*, and therefore disabled to contract with any, to the prejudice of her self or husband, without his consent and privity, or, at least, without his allowance and confirmation. *Broke, hoc istud.* *Omissis que sunt uxoris, sunt ipsius viri.* *Vir est caput mulieris.* *Sine viro respondere non posst.* *Braffon, lib. 2. cap. 15. & lib. 4. cap. 24.* And if the husband alien the wifes Land, during the Coverture, she cannot gainsay it, during his life. See *Cui ante divorcium*, and *Cui in vita*.

Cobine (Corina) Is a deceitful Compact or Agreement between two or more, to prejudice a third person. As if Tenant for Life conspires with another, that this other shall recover the Land which the Tenant holds, in prejudice of him in Reversion. *Plow. Com. fol. 546.*

Count (Fr. Conte) Signifies the original Declaration in a Real Action; as *Declaration* is, in a personal. *Fitz. Nat. Br. fol. 26.* *Libellus* with the *Civilians* comprehends both. Yet *Count* and *Declaration* are sometimes confounded, as *Count in Debt*. *Kitchin, fol. 281.* *Count* or *Declaration* in Appeal. *Pl. Cor. fol. 78.* *Count* in Trespass. *Britton, cap. 26.* See *Declaration*.

Countee (Fr. Comite) A *Comitando*, because they accompany the King) Was, next to the Duke, the most eminent Dignity of a Subject, before, as well as since, the Conquest; and those, who in ancient time, were created *Countees*, were Men of great Estate and Dignity: For which cause, the Law gives them great privileges; as, their persons may not be arrested for Debts, Trespass, &c. (because the Law intends, that they assist the King with their Council for the Publick Good, and preserve the Realm by their Prowess and Valor;) they may not be put upon Juries. If issue be taken, whether the Plaintiff or Defendant be a *Countee*, or not, This shall not be tried by the Country, but by the Kings Writ. Also the Defendant shall not have a day of Grace against a Lord of the Parliament, because it is intended he attends the Publick. And of old the *Countee* was *Prefectus*, or *Prepositus Comitatus*, and had the charge and custody of the County, whose Authority the Sheriff now hath. *Coke, lib. 9. fol. 49.* And is therefore called *Vicount*. See *Earl*.

Countenance, Seems to be used for credit or estimation. *Old Nat. Br. fol. 111.* And likewise *Anno 1 Edw. 3. Stat. 2. cap. 4.* in these words, *Sheriffs shall charge the Kings debtors with as much as they may levy with their Oaths, without abating the debtors Countenance.* See *Contentment*.

Counter (from the Lat. Computare) Is the name of two Prisons in London, the *Poultry Counter*, and *Woodstreet Counter*; whereinto if any enter, he is like to account ere he get thence.

Counter-mand, Is where a thing formerly executed, is afterward, by some Act or Ceremony, made void, by the party that first did it. As, if a Man makes his last Will, and devises his Land to I. S. and afterward enfeoffs another of the same Land, here this Feoffment is a *Countermand* to the Will, and the Will void, as to the disposition of the Land.

Counter-plea, Signifies a Replication to *Aide Prier*; For, when Tenant by curtesie in Dower, or other Real Action, prays the View or Aid of the King, or him in the Reversion, for his better defence; or else, if a stranger to the Action begun, desires to be received, to say what he can for the safeguard of his Estate, that

that which the Demandant alleageth against this request, why it should not be admitted, is called a *Counter-plea*. In which sense it is used, 25 Edw. 3. Stat. 3. cap. 7.

Counter-rols. — That Sheriffs shall have Counter-rols with the Coroners, as well of Appeals, as of Enquests, &c. Anno 3 Edw. 1. cap. 10.

Countors (Fr. *Contours*) Have been taken for such Serjeants at Law, as a Man retains to defend his cause, or speak for him in any Court for their Fee. *Horns Mirror*, lib. 2. cap. des Loyers. And of whom thus Chaucer,

— A Sheriff had he been, and a Contour,
Was no where such a worthy Tabasour.

They were anciently called *Serjeant-Countors*. Coke on *Littl.* fol. 17. a.

County (*Comitatus*) Signifies the same with *Shire*; the one coming from the French, the other from the Saxons, both containing a circuit or portion of the Realm, into which the whole Land is divided, for the better Government of it, and more easie Administration of Justice: So that there is no part of this Nation that lies not within some *County*, and every *County* is governed by a yearly Officer, whom we call a *Sheriff*. *Fortescu*, cap. 24. Of these *Counties*, there are four of special mark, which therefore are termed *Counties Palatines*, As *Lancaster*, *Chester*, *Durham*, and *Ely*. Anno 5 Eliz. cap. 23. we may read also of the *County Palatine of Pembroke*, and of *Hexam*, Anno 33 Hen. 8. cap. 10. (which last, did belong to the Archbishop of York.) — This Act, nor any thing therein contained, shall not extend to the *County Palatine of Hexam*, within the *County of Northumberland*, ne to the *County Palatine of Ely*, within the *Comty of Cambridge*, &c. But by the Stat. 14 Eliz. cap. 15. this *County Palatine of Hexham* was stript of its Priviledge, and reduced to be a part of the *County of Northumberland*. The cheif Governors of these *Counties Palatines*, by special Charter from the King, did heretofore send out all Writs in their own names, and did all things touching Justice, as absolutely as the Prince himself in other *Counties*, onely acknowledging him their Superior and Sovereign. But by the Statute 27 Hen. 8. cap. 24. This power is much abridged, to which I refer the Reader; as also to *Cromp. Jurisd.* fol. 137. and 4 *Instit.* fol. 204, & 221.

Besides these *Counties* of both sorts, there are likewise unto some Cities, some Territory, or Lands, or Jurisdiction annexed, as the *County of Middlesex*, by King Henry the First, to the City of *London*. The *County of the City of York*, Anno 32 Hen. 8. cap. 13. *Chester*, Anno 43 Eliz. cap. 15. *Canterbury*, *Lamb.* *Eiren.* lib. 1. cap. 9. *Norwich*, *Worcester*, *Coventry*, *Exeter*, &c. The *County of the Town of Kingston upon Hull*, 32 Hen. 8. cap. 13. *Newcastle upon Tine*, &c. The *County of the Town of Haverford West*, 35 Hen. 8. cap. 16.

County is, in another signification, used for the *County Court*, which the Sheriff keeps every Moneth, either by himself or his Deputy. Anno 2 Edw. 6. cap. 25. *Cromp. Jur.* fol. 221. *Braffon*, lib. 3. cap. 7. and lib. 3. tract. 2. cap. 12.

The word *Comitatus*, is also used for a Jurisdiction or Territory, among the Feudists.

County Court (*Curia Comitatus*) Is by *Lambert* otherwise called *Conventus*, and divided into two sorts; one retaining the general name, as, the *County Court* he'd every Moneth by the Sheriff, or his Deputy the Under-Sheriff. The other called the *Tun*, held twice every year; of both which, you may read in *Cromp. Jurisd.* fol. 231. This *County Court* had, in ancient times, the cognition of great matter, as may appear by *Glanvile*, lib. 1. cap. 2, 3, 4. by *Braffon*, and *Britton* in divers places, and by *Fletta*, lib. 2. cap. 62. but was abridged by *Magna Charta*, cap. 17. and much by 1 Edw. 4. cap. unico. It had also, and hath the Determination of certain Trespasses and Debts under Forty shillings. *Britton*, cap. 27. & 28.

Counting-House of the Kings Household (*Domus Computus Hospitiis Regis*) Commonly called the *Green-Cloth*, in respect of the Green-cloth on the Table; where sit the Lord Steward, the Treasurer of the Kings House, the Comptroller, Master of the Household, Cofferer, and two Clerks Comptrollers; for daily taking the Accompts of all Expences of the Household, making provisions, and ordering payment for the same; for the good Government of the Kings Household Servants, and for paying the Wages of those below Stairs. Vide 39 Eliz. cap. 7. and 4 *Instit.* fol. 131.

Courratier (Fr.) A Horse-courser. 2 *Instit.* fol. 719.

Coursitor. See *Cursiter*.

Court (*Curia*) Signifies the Kings Palace, or Mansion; and more especially the place where Justice is judicially administered, of which, you may finde Thirty two several sorts in *Cromptons Jurisdictions* well described; whereof most are Courts of Record, some not, and therefore are accounted Base Courts, in comparison of the rest. Besides these, there are also *Courts Christian*. *Smith de Rep.* *Angl.* lib. 3. cap. 6. which are so called, because they handle matters especially appertaining to Christianity, and such as, without good knowledge in Divinity, cannot be well judged of, being held heretofore by Archbishops and Bishops, as from the Pope, because he challenged the superiority in all Causes Spiritual, but since his ejection, they hold them by the Kings Authority, *Virtute Magistratus sui*, as the Admiril of *England* doth his Court: Whereupon they send out their Precepts, in their own names, and not in the Kings, as the Justices of the Kings Courts do. And therefore, as the Appeal from these Courts did lie to *Rome*, now by the Stat. 25 Hen. 8. cap. 19. it lies to the King in his Chancery.

Court Baron (*Curia Baronis*) Is a Court, which every Lord of a Mannor (who in ancient times were called *Barons*) hath within his own Precincts. *Barons* in other Nations, have great Territories and Jurisdiction from their Sovereigns. But here in *England*, what they are, and have been heretofore, see in *Baron*. Of this Court, and *Court Leet*, read *Kitchin*. Sir *Edward Coke*, lib. 4. among his *Copithold Cases*, fol. 26. b. says, That this Court is twofold after a fort; and therefore, if a Man, having a Mannor, grant the Inheritance of the Copiholders to another, the Grantee may keep a Court for the Cutoinary Tenants, and accept Surrenders to the use of others, and make both Admittances and Grants; the other Court is of Freeholders, which is properly called the *Court Baron*, wherein the farters, that is, the Freeholders are Judges; whereas of the other, the Lord or his Steward, is Judge.

Court of Py-powders. See *Py-Powders*.

Court of Requests (*Curia Requisitionum*) Was a Court of Equity, of the same nature with the *Chancery*, but inferior to it; principally instituted for the relief of such Petitioners, as in *conscionable Cases*, addressed themselves by Supplication to His Majesty. Of this Court, the *Lord Privy Seal* was cheif Judge, assisted by the *Masters of Requests*, and had beginning about 9 *Hen. 7.* according to Sir *Julius Casars Tractate* on this subject. *Mich. 40 & 41 Eliz.* in the *Court of Common Pleas*, it was adjudged upon solemn Argument, That this *Court of Requests*, or the *Whitelaw*, was no Court that had power of Judicature, &c. See 4 *Part. Inst.* fol. 97.

Court of the Legat, Was a Court obtained by Cardinal *Woolsey*, of Pope *Leo the Tenth*, in the Ninth year of *Henry the Eighth*, wherein he had power to prove Wills, and difference with Offences against the Spiritual Laws, &c. And was but of short continuance.

Court Christian (*Curia Christianitatis*) So called, because, as in the Secular Courts, the Kings Laws do sway, and decide Causes; so in Ecclesiastical Courts, the Laws of Christ should rule and direct; for which Cause, the Judges in those Courts are Divines, as, Archbishops, Bishops, Arch-Deacons, &c. *Linswoods words* are these. *In Curia Christianitatis, i. Ecclesia, in qua servantur Leges Christi, cum tamen in foro regio serventur Leges mundi.* 2 *Part. Inst.* fol. 488. See before in *Court*.

Court of Delegates. See *Delegates*.

Court of Chivalry (*Curia Militaris*) Otherwise called the *Marshal Court*; the Judges of it, are the *Lord Constable of England*, and the *Earl Marshal of England*: This Court is the Fountain of the *Marshal Law*, and the *Earl Marshal*, is both one of the Judges, and to see execution done. See *Constable*, and 4 *Part. Inst.* fol. 123.

Jean, fiz, frere, & uncle au Roys, Duc de Bedford, & d'Anjou, Conte Richemond & de Kendal, & Constable d'Angleterre, & nostre

treschere Cousin Jehan Duc de Norfolk, Marshall d'Angleterre salut. Nous vous mandons & chargeons qui vous facez arrestre & venir devant nous ou nostre Lieutenant a Westminster & la Quinteijn du Saint Hillaire prochain venant William Clopton du Comte de Suffolke Esquier, pour adunques respondre devant nous ou nostre Lieutenant, en la Cour de Chivalrie, a Robert Eland Esquier de Comte de Norfolk de ce que le dit Robert adunques luy sur mettra par vve de Armes, ad & appose le Seel de ces Armes a un faus & forge fait, as domages du dit Robert de Cl. & plus a ce quil dit Remandantz par d'evers nous a dit jour, ove icest nostre mandement, tout ce que vous en aurez faitz. Donne soubz le seal du nostre Office le xxiii. jour de Nov. l'an du regne nostre Signeur le Roy sisme puis le Conquest cestime.

Courtilage. See *Curtilage*.

Couthurlaugh (*Sax. Couth, sciens, & Utlaugh, exlex*) Is he that willingly receives a Man out-lawed, and cherishes or conceals him. In which case, he was, in ancient time, subject to the same punishment that the Outlaw himself was. *Braffton*, lib. 3. tract. 2. cap. 13. num. 2.

Cranage (*Cranagium*) Is a liberty to use a Crane for drawing up Wares from the Vessels, at any Creek of the Sea, or Wharff, unto the Land, and to make profit of it. It signifies also the Money paid and taken for the same. *New Book of Entries*, fol. 3.

Crafting Sancti Vincentii (i. the morrow after the Feast of St. *Vincent* the Martyr, which is 22 *Januarii*) Is the date of the Statutes made at *Merton*, Anno 20 *Hen. 3.*

Crabent or Craben. In a tryal by Battel, upon a Writ of Right, the ancient Law was, That the Victory should be proclaimed, and the vanquished acknowledge his fault, in the audience of the people, or pronounce the horrid word *Cravant*, in the name of *Recreantise*, &c. and presently Judgment was to be given, and after this, the Recread should *Amittere liberam legem*, that is, He should become infamous, &c. See 2 *Part. Inst.* fol. 247, 248. We retain the word *Crab* for a Coward. If the Appellant joyn Battel, and cry *Craven*, he shall lose *liberam legem*; but if the Appellee cry *Craven*, he shall be hanged. 3 *Inst. fol. 221.*

Crapier. Seems to be a kinds of small Sea-Vessel or Ship, mentioned in the Stat. 14 *Car. 2. cap. 27.*

Creansor (*Creditor*,) of the Fr. *Coyance, persuasio*) Signifies him that trusts another with any debt, be it in Money or Wares. *Old Nat. Br. fol. 67. Anno 28 Edw. 3. cap. 5.*

Creat-tile. See *Roof-tile*.

Creek (*Creca*) Seems to be a part of a Haven, where any thing is landed from the Sea. So that when you are out of the main Sea within the Haven, look how many Landing places you have, so many *Creeks* may be said to belong to that Haven. See *Cromp. Jurifl. fol. 110. a.* This word is mentioned in the Stat.

2 Hen. 4. cap. 5. 5 Eliz. cap. 5. and 14 Car. 2. cap. 28. and in Plow. Casu, Renger & Fogaſſa.

Crocards, A sort of Money. See Pollards.

Croft (Sax.) *Croftus & Crofta*, A litt'e Close or Pitle, enclosed near a Dwelling House, for any particular use. *Possunt etiam dicti Monachi de eisdem marisca versus occidentem jacentibus, pro se & hominibus, sive tenantibus suis, includere Croftos, sive pratum juxta pontem separaliter quantum illis placuerit. Ingulf.* In some ancient Deeds *Crofta* occurs, as the Latin word for a Croft; but *Cum Tofſis & Croftis*, is most frequent.

Crofes (*Cruce signati*) Are used by Briton (cap. 122.) for Pilgrims, because they wear the sign of the Cross upon their Garments. Of these, and their Priviledges, read Bratton, lib. 5. pa. 2. cap. 2. and pa. 5. cap. 29. And the *Grand Customary of Normandy*, cap. 45. Under this word, are also signified the Knights of S. John of Jerusalem, created for the defence of Pilgrims; and all thosse worthy Men of the Nobility and Gentry of England, who in the Reigns of King Henry the Second, Richard the First, Henry the Third, and Edward the First, were *Cruce signati*, as dedicating and listing themselves to the Wars, for the recovery of Jerusalem, and the *Holy Land*. Greg. Syntag. lib. 1. cap. 13 & 14.

Cuckingſtoſ or Cokeſtoſ (*Tumbrella*) Is an Engin invented for the punishment of Scolds and unquiet Women, by Ducking them in the Water, called in ancient time a *Tumbrel*. Lamb. Eiren. lib. 1. cap. 12. Bratton writes this word *Tymbrella*. Kitchin, (cap. Charge in Court Leet, fol. 13. a.) says, Every one having view of Frank-pledge, ought to have a Pillory, and a *Tumbrel*. This was in use even in our Saxons time, by whom it was called *Scæltiŋſpole*, and described to be *Cathedra, in qua rixose mulieres ſedentes, aquis demergabantur*: And was a punishment anciently inflicted upon Brewers and Bakers transgressing the Laws, who were therupon, in such a Stool or Chair, to be ducked and immersed in Stercore, some muddy or stinking Pond.

Cudutlaugh. See *Couthulaugh*.

Cui ante diuorium, Is a Writ, which a Woman, divorced from her Husband, hath to recover Lands or Tenements from him, to whom her Husband did alienate them during the marriage, because, during the marriage, she could not gainſay it. Reg. of Writs, fol. 233. Fitz. Nat. Br. fol. 204.

Cui in vita, Is a Writ of Entry, which a Widow hath against him, to whom her Husband alienated her Lands or Tenements in his life time, which must specific, that *During his life*, she could not withstand it. Reg. of Writs, fol. 232. Fitz. Nat. Br. fol. 193. See the *New Book of Entries*, verbo, *Cui in vita*.

Culagium, Is when a Ship is laid in the Dock to be repaired. M.S. Arth. Trevor, Arm. de Plac. Edw. 3.

Culvertage, (*Culvertaginm*, from *Culum* & *vertere*, to turn tail.) *Omnes cum equis & armis iussi sub nomine Culvertagii convenire*. Marth. Paris, fol. 233. That is, under the penalty of Cowardice, or being accounted Cowards. See *Gloss. in x. Scriptores*.

Cunage (*Cunagium*) — *De Cunagio Staneria, & de emptione totius Stannii in Com. Devon. & Cornub. Rot. Pat. 21 Edw. 3. See Cunage.*

Cuneus, A Mint or place to Coyn Money in. *Mandatum est Reginaldo de Cornhil, &c. Scitis quod concessimus venerabili Patri nostro Cicestr. Episcopo, quod habeat Cuneum suum in Civitate Cicestræ, & quod currat donec nostri in eadem civitate currant, & tunc una cum illis currat. Et ideo vobis præcipimus, quod ei, vel certo nuncio suo Cuncum illum babere sine dilatatione facias. I. 29 Apr. Claus. 6 Joh. m. 3.*

Cuntey-Cuntey, Is a kinde of tryal, as appears by Bratton, in these words, *Negotium in hoc casu terminabitur per Cuntey-Cuntey, scilicet inter Cohæredes*. — And, *In brevi de recto negotio terminabitur per Cuntey-Cuntey*, which seems to be as much as the Ordinary Jury. Bratton, lib. 4. tral. 3. cap. 18.

Curſeu (*Ignitum*) of the Fr. *Courrir feu*, i.e. Cover the Fire) Signifies an Evening Peal, by which the Conqueror commanded every Man to take warning, for raking up his fire, and putting out his light: So that in many places at this day, where a Bell is customably rung towards Bed-time, it is said to ring Curſeu. Hil. 3 Rich. 2. Coram Rege, Rot. 8. London.

Curia, See *Court*.

Curia adiſare bult, Is a Deliberation which the Court sometimes takes, before they give Judgment in a Cause, wherein there seems to be any point of difficulty; for which, see the *New Book of Entries* on this word.

Curia claudenda, Is a Writ that lies against him, who should fence and enclose his ground, if he refuse or defer to do it. Reg. of Writs, fol. 155. Fitz. Nat. Br. fol. 127. *New Book of Entries*, verbo *Curia claudenda*.

Curia Penticiarium. Id est, *Curia in circitate Cestria coram Vice-comite ibidem in Aula Penticia ejusdem Civitatis*. Pl. in Itm. apud Cestriam, 14 Hen. 7. It is probable this Court was originally held under a Pentice, or Shed covered with Bords, and thence took denomination.

Curnock, Is four Bushels, or half a Quarter of Corn. Flota, lib. 2. cap. 12.

Cursitors (*Clerici de cursu*) Of these there are in the Chancery twenty, who make out original Writs, and are a Corporation of themselves, and to every Clerk are appointed certain Counties. 2 Inst. fol. 670.

Curteſie of England, (*Fia Curialitatis Angliae*) Is where a Man takes a Wife, ſeized of Land in Fee-simple, Fee-tail general, or as Heir in Tail special, and hath issue by her, Male or Female, born alive; if the Wife die, the Husband shall hold the Land, during his life,

life, by the Law of England, And he is called *Tenant by the Curtesie of England*; because this Priviledge is not allowed in any other Realm, except in *Scotland*, where it is called *Curiatitas Scotiae*. See more upon this word in the *Terms of the Law*.

Curteyn (*Curtana*) Was the name of King Edward the Confessors Sword, which is the first Sword that is carried before the Kings of England, at their Coronation. *Matth. Paris* in *Hen. 3.* And it is said, the point of it is broken, which may argue an emblem of Mercy.

Curtilage (*Curtilagium*) *Hortus olitorius, vel ubi olera leguntur.* A Gardin; 3 Yard, Back-side, or (as they call it in *Herefordshire*) a Fold. *Perfoluat* (decimam) *Laetus, bortorum, Curtilagiorum, Lana, &c.* Provinciale *Angl. lib. 3. tit. de Decimis.* — *Et si in Curtilagio alicuius bladum seminaretur, decimam garbam illius bladi, sicut in campis percipiet.* *Inq. 36 Hen. 3.* *Mibi dici videtur Curtilagium* (says *Spelman*) à *Curtillum* & *ago, scil. locue ubi curius vel curtilli negotium agitur.* It is mentioned *Anno 4 Edw. 1. cap. unico.* *Anno 25 Hen. 8. cap. 4.* and *39 Eliz. cap. 2.* See *Coke, vol. 6. fol. 64. a.* and *Bulstrodes Rep. 2 par. fol. 113.*

Custode admittendo, & Custode amo-bendo, Are Writs for the admitting or removing of Guardians. *Reg. of Writs, in i-*j*dice.*

Custodes libertatis Angliae Authoritate Parliamenti, Was the title or title in which Writs, and other Judicial Proceedings did run, in the *Rump time*, that is, from the Decollation of King Charles the First, till the *Usurper Oliver* was declared *Protector, &c.* mentioned in the Statute of *12 Car. 2. cap. 3.*

Custom (*Confectudo*) hath the same signification with us, as with the *Civilians*, being by both accounted a part of the Law. *Confectudo quandoque pro lege servatur* (saith *Bracton*) in partibus ubi fuerit more utentium approbata; *longe enim temporis usu & consuetudinis non est vilis autoritas.* *Lib. 1. cap. 3.* *Custom* is a Law or Right not written, which being established by long use, and the consent of our Ancestors, and those of our Kinred, that are *Ultra Tritavum*, hath been and daily is practised. So that allowing the Father to be so much older then his Son, as *pubertas*, or the years of generation require, the Grand-father so much elder then him, and so forth *usque ad tritavum*, we cannot say this or that is a *Custom*, except we can justify, it hath continued so one hundred years: For *tritavus* must be so much elder then the party that pleads it; yet, because that is hard to prove, it is enough for the proof of a *Custom*, if two or more witnesses can depose they heard their Fathers say, it was a *Custom* all their time, and that their Fathers heard their Fathers also say, it was so in their time. If it be to be proved by Record, the continuance of one hundred years will suffice. *Sir Jo. Davies Rep. in Praef. & fol. 32.*

Custom is either general or particular: General is that which is currant through England, whereof you shall read divers in *Dotor and Student, lib. 1. cap. 7.* Particular, is that which belongs to this or that Lordship, City, or Town.

Custom differs from *Prescription*, that being common to more; *Prescription*, for the most part, particular to this or that Man. Again, *Prescription* may be for a far shorter time, than *Custom*, viz. for five years or less. Out of our Statute you may have greater diversity, which see collected in *Cowels Institutes, tit. de usucap. & longi temp. praescript.*

Custom is also used for the Tribute or Toll (called *Tonnage and Poundage*) which Merchants pay to the King for carrying out, and bringing in Merchandise. *Anno 14 Edw. 3. Stat. 1. cap. 21.* and *12 Car. 2. cap. 4.* In which signification it is Latinized, *Costuma.* *Reg. of Writs, fol. 138. a.* and *4 Inst. fol. 29.* And lastly, for such services, as Tenants of a Mannor owe to their Lord.

Custom-house, Is a House in London, where the Kings Customs are received, and the whole busines, relating thereunto, transacted. *Anno 12 Car. 2. cap. 4.*

Customary Tenants (*Tenentes per consuetudinem*) Are such Tenants as hold by the Custom of the Mannor, as their special Evidence. See *Copibold.*

Custos brevium, Is an Officer belonging to the Court of *Common Pleas*, and made by the Kings Letters Patent, whose Office is to receive and keep all the Writs returnable in that Court, and put them upon Files, every return by it self, and to receive of the Protorneys all the Records of *Nisi Prius*, called the *Poylea's*. For they are first brought in by the Clerks of the *Affise* of every Circuit to the Protonotary, who entered the Issue in that matter, to enter the Judgment. And four days after the return thereof, (which is allowed to speak in Arrest of Judgment) the Protonotary enters the Verdict and Judgment, thereupon into the Rolls of the Court, and afterwards delivers them over to the *Custos Brevium*, who binds them into a bundle, and makes entry also of the Writs of Covenant, and the Concord upon every Fine; and maketh forth Exemplifications and Copies of all Writs and Records in his Office, and of all Fines levied. The Fines after they are engrossed are thus divided between the *Custos brevium*, and the Chirographer; this always keeps the Writ of Covenant, and the Note; the other keeps the Concord, and the Foot of the Fine, upon which Foot, the Chirographer causeth the Proclamations to be endorsed, when they are proclaimed. In the Court of *Kings Bench* there is likewise a *Custos brevium & Rotulorum*, who fileth such Writs as are there used to be filed, and all Warrants of Attorney, and transcribeth or maketh out the Records of *Nisi Prius, &c.*

Custos placitorum Coroni (*Bracton, lib. 2. cap. 5.*) Seems to be all one with him, whom

we now call *Custos Rotulorum*.) Of which, I finde mention in the Writ *De Odio & anima*. Reg. of Writs, fol. 133. b.

Custos Rotulorum, Is he, who hath the custody of the *Rolls* or Records of the Sessions of Peace, and of the Commission of the Peace it self. He is always a Justice of Peace and *Quorum*, in the County, where he hath his Office; and by his Office, he is rather termed an Officer or Minister, then a Judge; because the Commission of the Peace, by express words, lays this special charge upon him, *Quod ad dies & loca prædicta, Brevia, Praecepta, Processus & Indictamenta prædicta coram te & dictis sociis tuis venire facias*. *Lamb. Eiren. lib. 4. cap. 3. pag. 373.* where you may read more touching this Office. Who shall appoint the *Custos Rotulorum* in every County. See 37 Hen. 8. cap. 1. and 3 & 4 Edw. 6. cap. 1. 2 Inst. fol. 674.

Custos of the Spiritualties (*custos spiritualitatis vel spiritualium*) Is he that exerciseth the Spiritual or Ecclesiastical Jurisdiction of any Dioceses, during the vacancy of the See; the appointment of whom, by the Canon Law, appertains to the Dean and Chapter. But with us in England, to the Archbishop of the Province by Prescription. Howbeit, divers Deans and Chapters (if *Gwin* say true in his *Preface* to his *Readings*) challenge this by ancient Charters from the Kings of this Land.

Cutter of the Talleys, Is an Officer in the Exchequer, that provides Wood for the Talleys, and cuts the sum paid upon them, and then casts the same into the Court, to be written upon.

Cyricsceat (Sax.) *Vestigial Ecclesia. Primicias seminum quisque ex eo dato Domicilio; in quo ipso natali die domini commoratur.* Spelman de Concil. vol. 1. fol. 125. See *Churches*.

D.

Dakir. According to the Stat. 51 Hen. 3. *De Compositione ponderum & Mensurarum*, A *Last* of Hides consists of Twenty *Dakirs*, and every *Dakir* of Ten Hides. But by 1 Jac. cap. 33. or Last of Hides or Skins is Twelve dozen. I have also read of a *Dakir* of Iron, but finde not its quantity.

Damage (Lat. *Dannatio*, Fr. *Dommage*) Signifies generally any hurt or hindrance, that a Man receives in his Estate, but particularly, a part of that the Jurors are to enquire of, when the Action (be it real or personal) passeth for the Plaintiff. For, after Verdict given of the principal cause, they are asked their Consciences touching *Costs* (which are the charges of Sute, called by the *Civilians Expense litii*) and *Damages*, which comprehend a recompence for what the Plaintiff or Defendant hath suffered, by means of the wrong done him by the Defendant or Tenant. *Coke on Liti.* fol.

Damage Cleer (*Damna Clericorum*) Is now assed by the Tenth part in the *Common Pleas*, and the Twentieth part in the *Kings Bench* and *Exchequer* of all *Damages*, (exceeding Five Marks) recovered either by Verdict, Confession, or Judgment of the Court, in all Actions upon the *Case*, *Covenant*, *Trespass*, *Battery*, *False imprisonment*, *Dower*, and all others, wherein the *Damages* are uncertain, which the Plaintiff must pay to the Prothonotary or chief Officer of that Court, wherein they are recovered, before he shall have any Execution on for them. For example, If one lends another on his word, or note under hand, One hundred pound, or sells commodity to that value; the Lender or Seller is forced to sue in an Action of the *Case*, recovers, must pay Ten pound, if in the *Common Pleas*, and Five pound in the *Kings Bench* or *Exchequer*, (and so proportionally for a greater or lesser sum) before he can have Execution. This was originally no other than a gratuity given the Prothonotaries, and their Clerks, for drawing special Writs and Pleadings, which afterwards grew to a certainty, and was not, as some have fancied, anciently, a Tenth part of the *Damages* recovered; For it doth appear by ancient Records, that it had been at an uncertain rate, sometimes a Sixth, and at other times a Third part. This, by Act of Parliament, 17 Car. 2. cap. 6. is taken away from and after the 29 of September, 1672. And till that time, and no longer, *Damage Cleer* shall be paid out of such Money only, as shall be actually levied, or otherwise paid by the Defendants, and only for the proportion of the Money which shall be so levied or paid, and no more, or otherwise.

Damage Fesant (Fr. *Dommage Faisant*, i. Doing hurt or damage) As when a strangers Beasts are *doing hurt*, or spoil in the *Gras*, *Corn*, *Woods*, &c. of another Man, without his leave or licence. In which case, the party, whom they damage, may therefore take, distrain, and impound them, as well in the night as day. But in other cases, as for *Rent*, *Services*, and such like, none may distrain in the night. *Stat. De Districione Scaccarii, Anno 51 Hen. 3.*

Dane-gelt, **Dane-gold**, or **Dane-geld** (Gelt in Dutch signifies Money) Was a Tribute laid upon our Ancestors of Two shillings for every Hide of Land, through the Realm by the *Danes*, who once mastered us, in regard (as they pretended) of clearing the Seas of Pyrats, which greatly annoyed our Coasts in those days. *Camd. Britan. 83. Stow in his Annals, fol. 118.* says, This Tribute came to 40000 l. per annum, and began in the time of King Etheldred, who, being much distressed by the continual invasion of the *Danes*, to procure his Peace, was compelled to charge his people with heavy payments. For first he gave them at five several payments 113000 l. and afterwards 48000 l. yearly, which was released by Edward the Confessor, according to *Ingulphus*,

pbus, fol. 510. *a.* Others say it continued till Hen. 1. or K. Stephen. See *Hoveden par. post. Annal.* fol. 344. *a.* *Spelmans Glossarium*, and *Seldens Mare clausum*, fol. 190. — *Et sicut quieta de Lene*, *Danegele & Gaywritte*, *& de omnibus aliis conjectudinibus*, &c. *Carta Hen. 7.* *Ballivis & Burgens*. *Mountgomer.*

Danelage. See *Merchenlage*.

Darrein, Is a Corruption from the French *Dernier*, *i.* *Ultimus*; and we use it in the same sense, as

Darrein Continuance. See *Continuance*.

Darrein Presentment, (*ultima Presentatio.*) See *Affize of Darrein Presentment*.

Datife, or **Datibe**, (*Datibus*,) That may be given, or disposed of. **Whether a Prior shall be Datife, and removab, or perpetu-al, shall be tryed by the Ordinary.** *Anno 9 Ricb. 2. ca. 4.* *Si Prior Datife & removeable suffet eschape, respondeat superior.* 45 Ed. 3. 9, 10.

Day, (*Dies*,) Is sometimes used for the Day of Appearance in Court, either Originally, or upon Aftignation; and, sometimes for the Returns of Writs. For example, *Dayes in Bank* are Dayes set down by Statute, or Order of the Court, when Writs shall be returned, or when the Party shall Appear upon the Writ served; for which, you may read the Statutes 51 Hen 3. ca. 1 & 2. — *Marib. ca. 12.* — 52 Hen. 3. and the Statute de *Anno Bissitili*, 21 Hen. 3. and lastly, 32 Hen. 8. ca. 21. To be dismis-sed without Day, is to be finally discharged the Court. He had a *Day* by the Roll; that is, he had a day of Appearance Assigned him. *Kitchin*, fol. 193 & 197. *Day, Year, and Waft.* See *Year, Day, and Waft.* And see *Dies*.

Deadly Feud, (*Feuda & Faida*,) Is a Profession of an Irreconcileable Enmity, till we are revenged even by the death of our Enemy. It is deduced from the German word (*Feed*), which, as *Hottoman*, (*in verbis Feudalibus*) saith, *Modo bellum, modo capitales inimicuitas significat.* It is used *Anno 43 Eliz. ca. 13.*

Dead Pledge, (*mortuum vadum.*) See *Morgage*.

De-afforested, That is discharged from being Forest; or, that is freed and exempted from the Forest-Laws. *Anno 17 Car. 1. ca. 16.*

Johannes Dei Gratia, &c. Archiepiscopis, Episco-pis, &c. Scitis nos omnino Deafforestatam Fore-stam de Brewood de omnibus qua ad Forestam & Forestarios pertinent. Quare volumus & firmiter pricipimus quod prædicta Foresta & homines in illa manentes & hæredes eorum sint Deafforestatim imperpetuum, &c. Dat. apud Brug. 13 Martii Anno regni nostri 5.

Dean, (*Gr. Dexar & Sind*, *decem*,) Is an Ecclesiastical Magistrate, so called, because he presides over Ten Canons or Prebends at the least. We call him a *Dean* that is under the Bishop, and chief of the Chapter, ordinarily in a Cathedral Church; and, the rest of the So-

ciety or Corporation we call *Capitulum*, the *Chapter*. But, how diversly this word is used, read *Lindwood*, *Tit. de Constitut. ca. 1. verbo*, *Decani Rurales*; where Rural Deans are said to be certain persons that have Jurisdiction Ecclesiastical over other Ministers and Parishes neer adjoining, assigned them by the Bishop and Arch-Deacon, being placed and displaced by them: Such are the *Dean of Croidon in Surrey, Dean of Battel in Kent, &c.*

As there are two Foundations of *Cathedral Churches in England*, the old and the new, (the new are those which *Henry the Eighth* upon Sup-pression of Abbies transformed from Abbot, or Prior and Convent, to *Dean and Chapter*,) so are there two means of Creating these Deans: For, those of the Old Foundation were exalted to their Dignity much like Bishops; the King first sending out his *Conge d Esire* to the Chapter, the Chapter then chusing, the King yeilding His Royal Assent, and the Bishop Confirming him, and giving his Mandate to ental him. Those of the New Foundation are by a shorter course Enstalled, by Verree of the Kings Letters-Patent, without either Election or Confirmation. This word is also applyed to divers that are the chief of certaia peculiar Churches or Chappels, as the *Dean of the Kings Chappel, the Dean of the Arches, the Dean of St. Georges Chappel in Windsor, &c.* *Nec Collegio alicuius praefecti, nec jurisdictione ulla donati, nomine tamen velut honoris gratia insignes, fayes Spelman.*

De bene esse, Are three common Latin words, but their signification more mysteri-ous, conceiv'd to be thus: To take or do any thing *De bene esse*, is to accept or allow it, as well done for present; but, when it comes to be more fully examin'd or try'd, to stand or fall, to be allowed or disallow'd, according to the Merit or Well-being of the thing in its own nature; or (as we say) *Valeat quantum valere potest*: So in *Chancery*, upon motion to have one of the less-principal Defendants in a Case, examin'd as a Witness, the Court (not then throughly examining the justice of it, or not hearing what may be objected on the other side) often orders such a Defendant to be examined *de bene esse*. *i.* That his Depositi-ons shall be allowed or suppressed at the Hearing of the Cause, upon the full debate of the Mat-ter, as the Court shal then think fit, but for the present they have a *well-being*, or conditional-allowance. It is used in *Langhams Case. Croke 3 Part. fol. 68.*

Debentur, Was by a *Rump Act* in 1649, ordained to be in the nature of a Bond or Bill, to charge the Common-wealth (forfooth) to pay the Souldier-Creditor, or his Assignes the Sum due upon Auditing the Account of his Ar-rears. The Form of which *Debentur*, as then used, you may see in *Scobels Rump-Acts Anno 1649*, *ca. 63.* The word is also men-tion'd in the *Act of Oblivion*, *12 Car. 2. ca. 8. Sect. 7.* and is used in the *Exchequer*. See *Auditor of the Receipts*.

Debet & solet. Are Latin words, often used in our Law-Writers. In old Nat. Br. fol. 98. it is said, This Writ *De setta molendini*, being in the *debet* and *solet*, is a Writ of Right, &c. And again, fol. 69. A Writ of *quod permittat* may be pleaded in the County before the Sheriff; and, it may be in the *debet*, and *solet*, or in the *debet*, without the *solet*, according as the Demandant claims. Wherefore note, that those Writs which are in this fort brought, have these words in them as Formal words, not to be omitted. And, according to the diversity of the Case, both *debet* and *solets* are used, or *debet* alone; That is, if a man sue to recover any Right, whereof his Ancestor was disseis'd by the Tenant or his Ancestor, then he useth only the word *debet* in his Writ; because *solet* is not fit by reason his Ancestor was disseis'd and the Custom discontinued: but, if he sue for any thing that is now first of all deny'd him, then he useth both these words; because his Ancestors before him, and he himself usually enjoyed the thing sued for, as sue to a Mill, or Common of Pasture, until this present refusal of the Tenant. The like may be said of *debet* and *detinet*, as appears by the Reg. of Writs in the Writ *De debito*, fol. 140. a.

Debito, or *De debito*, Is a Writ which lies, where a Man owes another a Sum of Money by Obligation, or Bargain for any thing sold him, Fitz. Nat. Br. fo. 119. This Writ is made sometime in the *detinet*, and not in the *debet*, which properly falls out, where a Man owes an Annuity, or a certain quantity of Wheat, Barley, or such like, which he refuseth to pay, Old. Nat. Br. fo. 75. See *Debet* and *solet*.

Decem tales. See *Tales*.

Deceit, (*Deception, dolus.*) Is a Subtile, wily Shift, or Trick; whereunto may be drawn all manner of Craft, Subtilty, Guile, Fraud, Slight, Cunning, Covin, Collusion and Practise used to Deceive another Man by any Means; which hath no other more proper or particular Name then *Deceit*, or Offence. West, pa. 2. *Symbol. tit.* Indictments. Sect. 68. See *Cofening*, and *New Book of Entries*, verbo *Disceit*.

Decenna, and See *Deciners*.

Decennies. See *Decennies*.

Decenary, (*Decennaria*) The Limits or Compas of ten Friburghs. See *Deciners*.

Deceptione, Is a Writ that lies properly for one that receives harm or damage by him that does any thing deceitfully in the Name of another. (Fitz. Nat. Br. fol. 95.) And is either *Original*, or *Judicial*, as appears by Old Nat. Br. fo. 50. where you may read the use of both, to this effect; This Writ of *Deceit*, when it is *Original*, lies where *deceit* is used to a Man by another, by not sufficiently performing a Bargain or Promise, or by using some Guile, whereby he may be disinherited, or evil intrated, &c. And, when *Judicial*, it lies out of the Rolls of Record, as in the Case where *scire facias* is sent to the Sheriff, that he warn a man to be before the Justices at a certain day, and the Sheriff returns the Writ, served, whereas

the Party was not warned, whereby he that sues the *scire facias* recovers; then the Party, who ought to have been warned, shall have the said Writ against the Sheriff. See *Reg. of Writs*, fol. 112. and *Reg. Judicial* in the Table, verbo, *Deceptione*.

Decies tantum, Is a Writ that lies against a Juror, who hath taken Money for giving his Verdict, called *so* of the effect; because it is to recover ten times so much as he too's. It lies also against Embracers that procure such an Enquest. Anno 38 Ed. 3. ca. 13. *Reg. of Writs*, fol. 188. Fitz. Nat. Br. fol. 171. *New Book of Entries*, verbo, *Decies tantum*.

Decimation, (*Decimatio*.) the punishing every tenth Souldier by Lot was termed *Decimatio Legionis*: Also a tithing, or paying the tenth part. What *Decimation* was in the late usurpers time, (1655,) is still in the Memory of many good Subjects of this Realm. See *Tenths*.

Decimis solvendis pro possessionibus alienigenarum, Is a Writ or Letters Patent, yet extant in the Register, which lay against those that had farmed the Priors aliens Lands of the King, for the Rector of the Parish, to recover his Tyth of them. *Reg. of Writs*, fol. 179.

Deciners alias Decenniers, alias Doziners, (*Decenarii, Decearchi*) Signifie, in the Ancient Monuments of our Law, such as were wont to have the oversight and check of the Friburghs, for Maintenance of the Kings Peace; And, the limits, or compas of their Jurisdiction was call'd *Decenna*. *Braeton lib. 3. Tract. 2. ca. 15.* of whom you may also read *Fleta, lib. 1. ca. 27.* And *Reg. of Writs*, fol. 98. b. These seemed to have large Authority in the Saxons time, taking knowledge of Causes within their Circuit, and redressing Wrongs by way of Judgment, and compelling Men thereunto, as you may read in the Lawes of K. Edward the Confessor, published by Lambert, Numb. 32. In later times I find mention of them, as in *Britton. ca. 12.* who fayes, in the Kings Person, (for so he Writs his whole Book,) *We will, that all those who are 14 years old, shall make Oath, That they shall be sufficient and loyal to Us; and, neither be Felons, nor afflenting to Felons:* And, *We will, That all Profess themselves to be of this or that Dozein, and make, or offer Surety of their Behaviour by these or those Doziners; except Religious Persons, Clerks, Knights eldest Sons, and Women.* Yet, the same Author in his 29th Chap. fayes, all of 12 years old and upwards are punishable for not coming to the Sheriffs Turn, except Earles, Prelates, Barons, Religious persons, and Women. *Stamp. Pl. Cor. fol. 37.* has these words; *The like Law is, where the Dozeniers make Presentment, that a Felon is taken for Felony, and delivered to the Sheriff, &c. And, Kitchin, (fol. 33.) thus; Religious persons, Clerks, Knights, or Women, shall not be Decenniers.*

A Dozein seems now to extend so far, as every Leet extends; because in Leets onely this Oath is Ministr'd by the Steward, and taken by such

such as are twelve years old and upwards, dwelling within the Precinct of the Leet where they are sworn. *Fitz. Nat. Br. fol. 261. a.* The particulars of this Oath, you may read in *Braeton*, lib. 3. tract. 2. cap. 1. num. 1. who sets down fifteen years for the age of those that are to be sworn to the Kings Peace, but afterwards names twelve years. See *Inlaugh*.

We may note out of the Premisses, a diversity between the ancient and these modern times, in this Point of Law and Government, as well in the age of those who are to be sworn, as also that *Decennier* is not now used for the chief Man of a *Dozein*, but for him that is sworn to the Kings Peace; and lastly, That now there are no other *Dozeins* but *Leets*, and that no Man ordinarily gives other security for keeping the Kings Peace, but his own Oath, and that therefore no Man answers for another's transgression, but every Man for himself. See *Frank-pledge*, and 2 Part. *Inst. fol. 73.*

Declaration (*Declaratio*) Is properly the shewing forth, or laying down in writing the Cause of Action in any suit at Law, wherein the party supposes to have wrong. This, in an Action Real, is properly called a *Count*, which ought to contain *Demonstration*, *Declaration*, and *Conclusion*. In *Demonstration*, are contained three things, *viz.* Who complains, against whom, and for what matter: In the *Declaration* there ought to be comprised, how, and in what manner the Action rose between the parties, when, what day, year, and place, and to whom the Action shall be given. And in the *Conclusion* he ought to aver and proffer to prove his suit, and shew the damage he hath sustained by the wrong done him. *Terms de la Ley.*

Decretals (*Decretales*) Are a Volume of the Canon Law, so called; or Books containing the *Decrees* of sundry Popes; or a Digestion of the Canons of all the Councils that pertained to one Matter, under one Head.

Pedit (as if it be said in a Feoffment, *I. S. hath Given, granted, &c.*) It is a Warranty in Law to the Feoffee, and his Heirs. *Coke on Littl. fol. 384. a.*

Pedimus Potestatem (*i. We have given power*) Is a Writ whereby Commission is given to one or more private persons, for the speeding of some Act appertaining to a Judge. The Civilians call it *Delegationem*. And it is granted most commonly upon suggestion, that the party, who is to do something before a Judge, or in a Court, is so weak, he cannot travel. It is used in divers Cafes, as to take a Personal Answer to a Bill of Complaint in *Chancery*, to examine witnesses in a Cause depending in that Court; to levy a Fine, &c. *West, part. 2. Symb. tit. Fines, sect. 112.* and divers other, as you may see in *Fitz. Nat. Br.* and in the Table of the Reg. of *Writs, verbo, Pedimus Potestatem.*

Deed (*Factum*) Is an Instrument written in Parchment or Paper, consisting of three things, *viz. Writing, Sealing, and Delivery*, and comprehending a Contract or Bargain between

party and party: Of which, there are two sorts, *Deeds Indented*, and *Deeds Poll*; which names arise, from the form or fashion of them, the one being cut in and out in the top or side, which we call *Indented*, the other being plain. A *Deed Indented*, is a Deed consisting of two parts, or more (for there are *Tripartite* and *Quadruplicate* Deeds) in which it is expressed, That the parties thereto, have to every part thereof interchangably set their several Seals. The cause of their *Indenting* is, that it may appear they belong to one business or contract. A *Deed Poll* or polled (anciently called *Charta de una parte*) is a plain Deed without *Indenting*; as if we should say, The *Indenting* is *polled* or cut off; and is used, when the Vendor for example only Seals, and there is no need of the Vendees sealing a Counterpart, by reason the nature of the Contract is such, as it requires no Covenant from the Vendee, unless in such case the Vendor will out of caution or curiosity have a Counterpart, to see, upon any occasion, what Covenants himself hath given. See *Coke on Littl. fol. 35. b.*

Dæmsters or Demisters (*from the Saxon dæma, i. a Judge or Umpire*) All Controversies (in the Isle of Man) are decided without Process, Writing, or any Charges, by certain Judges, whom they chuse from among themselves, and call **Dæmsters**. *Camd. Brit. tit. British Islands.*

Peer-Hays, Are Engins or great Nets, made of Cords to catch Deer. *Anno 19 Hen. 7. cap. 1.*

De essendo quietum de Colonio, Is a Writ that lies for those, who are by privilege freed from the payment of *Toll*, which read at large in *Fitz. Nat. Br. fol. 226.*

De expensis militum, Is a Writ commanding the Sheriff to levy four shillings per *diem*, for the expences of a Knight of the Shire. And a like Writ *De expensis Civium & Burgenium*, to levy two shillings per *diem*, for every Citizen and Bargee of Parliament, 4 *Inst. fol. 46.*

De facto, (*Anno 12 Car. 2. cap. 30.*) Which is actually done, done indeed.

Default (*Fr. Defaut*) Is an Offence in omitting that which we ought to do: Of this *Braeton* hath a whole Tract, lib. 5. tract. 3. By whom it appears, that *Default* is most notoriously taken for non-appearance in Court at a day assigned. Of this you may also read *Fleta*, lib. 6. cap. 14. and *Coke on Littl. fol. 259. b.*

Defeizance (of the Fr. *Desfaire*, *i. to undo or defeat*) Signifies a Condition relating to a Deed, as to a Recognizance or Statute, which being performed by the Recognizor, the Deed is disabled and made void, as if it never had been done. The difference between a *Proviso* or Condition in Deed, and a *Defeizance*, is, That those are inserted in the Deed or Grant; this is usually in a Deed by itself. Of which you may read, *West at large, Par. 1. Symb. lib. 2. sect. 156.*

Defend

Defend (Fr. *Defendre*) Signifies, in our ancient Laws and Statutes, to prohibit or forbid. As — *Usuarios defendit quoque Rex Edwardus, ne remanerent in Regno.* LL. Ed. Conf. cap. 37. & 5 Rich. 2. cap. 7. Of which, thus Chaucer.

Where can you say in any manner age,
That ever God defended Marriage.

And in 7 Edw. 1. we have a Statute, entituled *Statutum de defensione portandi arma, &c.* It is defended by Law to *Distrain in the Highway.* Coke on *Littl. fol. 161.*

To this day, in divers parts of *England*, we say, *God defend*, instead of *God forbid*. And the *Fench Moneth* is more truly called the *Defence Moneth*, i. the *Forbidden Moneth*. See *Fench Moneth*.

Defendant (*Defendens*) Is he that is sued in an *Action Personal*; as *Tenant* is he, who is sued in an *Action Real*. See *Impediens*.

Defendemus, Is a word used in *Feofments* and *Donations*, and hath this force, that it binds the *Donor* and his *Heirs* to *defend* the *Donce*; if any *Man* go about to lay any *servitude* on the thing given, other then is contained in the *Donation*. *Braffon, lib. 2. cap. 16. num. 10.* See *Warranty*.

Defender of the Faith (*Defensor fidei*) Is a peculiar title given to the Kings of *England* by the Pope, as *Catholictus* to the King of *Spain*, *Christianissimus* to the King of *France*, and *Advocatus Ecclesiae* to the Emperor: Which title was given by Pope *Leo the Tenth* to King *Henry the Eighth*, for writing against *Martin Luther*, in behalf of the Church of *Rome*, and the *Bull* for it bears date *Quinto Idus Octobr. 1521.* which may be seen at length in the *Lord Herberts History of Henry the Eighth*, fol. 105.

Deforcement (*Deforcimentum*) *Matth. Parv. fol. 422.* *Quicunque deforcaverit eis domum, & de ipso deforcamento convicti fuerint.* id est, *Per vim abstulerit.* A withholding *Lands* or *Tenements* by force from the right owner. See *Deforceor*, and *Coke on Littl. fol. 331. b.*

Defoçiant (*Anno 23 Eliz. cap. 3.*) The same with *Deforceor*.

Deforceoz (*Deforciator*, of the Fr. *Forceur*, i. *expugnator*) Is one that overcomes and casts out by force, and differs from *Diffisor*: First in this, because a *Man* may *disseise* another without force, which is called *Simple Disseisin*. *Britton, cap. 53.* Next, because a *Man* may *deforce* another that never was in *possession*. For example, if more have right to *Lands*, as *Common Heirs*, and one entering, keeps out the rest, the Law says, *He deforceb them*, though he do not *disseise* them. *Old Nat. Br. fol. 118.* And *Littleton*, (cap. *Discontinuance*, fol. 117.) says, *He who is infested by the Tenant in Tail, and put in Possession, by keeping out the Heir of him in Reversion being dead, doth deforce him*, though he did not *disseise* him; because he entered, when the Tenant in Tail

was living, and the *Heir* had no present right. A *Deforceor* differs from an *Intruder*, because a *Man* is made an *Intruder* by a wrongful entry onely into Land or Tenement void of a *Possessor*; And a *Deforceor* is he that holds out the right *Heir* as above-said. *Braffon, lib. 4. cap. 1.*

Degrading. See *Disgrading*.

Delegates (*Anno 25 Hen. 8. cap. 19.*) Are Commissioners so called, because *delegated* or appointed by the Kings Commission under the Great Seal, to sit upon an Appeal to the King in the Court of *Chancery* in three Cases.

First, When a Sentence is given in any Ecclesiastical Cause, by the *Archbishop* or his *Official*.

Secondly, When any Sentence is given in any Ecclesiastical Cause in places exempt.

Thirdly, When a Sentence is given in the Admirall Court in Sutes, Civil and Marine, by order of the Civil Law. 4 Part. *Inst. fol. 339. Anno 8 Eliz. cap. 5.*

Delibrance. See *Replegiare*.

Delf (from the Sax. *Deifan*, to dig or delve) Is a Quarry or Mine, where Stone or Coal is dug. *Anno 31 Eliz. cap. 7.* And in a Charter of *Edward the Fourth*, there is mention of a Mine or *Delf* of Copper. *Camd.*

Demain or Demelne (*Dominicum. Gallis, Domanum. Ital. Demanum*) *Accipitur multipliciter* (says *Braffon*) *Eft autem Dominicum, quod quis habet ad mensam suam & propriam, sicut sunt *Woodlands*, *Anglie*, i. Dominicum ad mensam.* Item dicitur *Dominicum, Villenagium* *quod traditur villanis, quod quis tempestive & intempestive resumere possit pro voluntate sua & revocare.* Lib. 4. tract. 3. cap. 9. num. 5. *Demains* (according to common speech) are the *Lords chief Manner place*, with the *Lands thereto belonging*, which he and his *Ancestors* have from time to time kept in their own *manu-al occupation*; howbeit (according to Law) all the parts of a *Mannor* (except what is in the hands of *Freeholders*) are said to be *Demains*. And the reason why *Copiholders* is accounted *Demain*, is because *Copiholders* are adjudged in Law to have no other *estate*, but at the will of the *Lord*; so that it is still reputed to be in a manner in the *Lords hands*.

Demain is sometimes used in a more special signification, as opposite to *Frank-fee*: For example, those *Lands* which were in the possession of King *Edward the Confessor*, are called *Ancient Demains*, and all others *Frank-fee*; and the *Tenants* which hold any of those *Lands* are called *Tenants in Ancient Demain*; the others, *Tenants in Frank-fee*. *Kitchin, fol. 98.* See more on this subject in the Learned *Spelman, verbo, Dominicum*.

Demand (Fr. *Demande*, i. *postulatio*) Signifies a calling upon a *Man* for any thing due. It hath also a proper signification, distinguished from *Plaint*: For all *Civil Actions* are pursued, either by *Demands* or *Plaints*; and the pursuer is called *Demandant* or *Plaintiff*, viz. *Demandant* in *Actions Real*, and *Plaintiff* in *Personal*.

Personal. And where the Party pursuing is called *Demandant*, the party pursued is called *Tenant*; where *Plaintiff*, there *Defendant*. If a Man release to another all *Demands*, this is the best Release which the Releasee can have, and shall enure most to his advantage. *Littl. fol. 117. a.* There are two manner of *Demands*, the one in Deed, the other in Law: *In Deed*, as in every *Præcipe*, there is express *Demand*: *In Law*, as every Entry in Land, Distress for Rent, taking or seising of Goods, and such like acts, which may be done without any words, are *Demands in Law*. As a Release of Sutes is more large then a Release of Quarrels or Actions; so a Release of *Demands* is more large and beneficial, then either of them. By Release of all *Demands*, all Executions, and all Freeholds and Inheritances executory are released; By Release of all *Demands* to the Disseisor, the right of Entry in the Land, and all that is contained therein, is released. And he that releaseth all *Demands*, excludes himself from all Actions, Entries, and Seisures; but a Release of all *Demands*, is no Bar in a Writ of Error to Reverse an Outlary. *Coke, lib. 8. fol. 153, 154.*

Demandant (*Petens*) Is he, who is Actor or Plaintiff in a Real Action, because he demandeth Lands, &c. *Coke on Littl. fol. 127. b.* See *Demand*.

Demain-Cart of an Abbot, Seems to be that Cart, which the Abbot used upon his own *Demain*. *Anno 6 Hen. 3. cap. 21.*

Demi-haque. See *Hague* and *Haquebuz*.

Demise (*Dimissio*) Is applied to an Estate either in Fee-simple, Fee-tail, or for term of Life, and so it is commonly taken in many Writs. *2 Part. Inst. fol. 483.* The Kings death is in Law, termed the *Demise of the King*.

Demisters. See *Deemsters*.

Demurrrer (from the Fr. *Demeurer*, i. *Mancare in aliquo loco, vel morari*) Is a kinde of pause or stop put to the proceedings of any Action upon a point of difficulty, which must be determined by the Court, before any further proceedings can be had therein: For in every Action, the Controversie consists, either in Fact or in Law; if in Fact, that is tried by the Jury; if in Law, the Case is plain to the Judge, or so hard and rare, as it breeds just doubt. We call that plain to the Judge, wherein he is assured of the Law; though perhaps the party and his Council yield not to it: And in such case, the Judge with his Associates, proceed to Judgment, without more ado; but when it is doubtful, then stay is made, and a time taken, either for the Court to consider further of it, and agree if they can; or else, for all the Judges, to meet together in the *Exchequer Chamber*, and upon hearing what the Serjeants can say on both sides, to determine what is Law. And whatsoever they conclude, stands firm without further Appeal: *Smith de Repub. Angl. lib. 2. cap. 13.* This *Demurrer* is in our Records expreſſed in Latin by *Moratur in Lege*. At the Common Law, the Defendant

sometimes *demurrah* to the Plaintiffs Count or Declaration, and sometimes the Plaintiff *demurs* to the Defendants Plea, by averring That it is not a sufficient Plea in the Law, &c. In Chancery, the Defendant *demurs* to the Plaintiffs Bill, averring it to be defective in such, or such a point, and demands the Judgment of the Court thereupon, whether he shall be compelled to make any further or other answer thereto, &c. See *Moratur in Lege*.

Denariata terra. See *Fardingdeal of Land*.

Denariatus, *Precium rei que Denario constat: Mercu, redditua, terre. Sciant — quod ego Willielmus filius Philippi de Colewal Dedi — Egidiu de la Berne de Hereford pro quadam summa pecunia — Otto Denariatos annui redditus, &c. Sine dat.*

Denelage or Danelage, (From the Sax. *Dane* and *laȝa, lex*) Is the Law the *Danes* made here in *England*. See *Merchenlage*.

Denizen (Fr. *Donaison*, i. *Donatio*) Signifies an Alien that is enfranchised here in *England*, by the Kings Charter and Donation, and enabled in many respects, to do, as the Kings Native Subjects do, namely, to purchase and possess Lands, to be capable of any Office or Dignity. Yet is it short of Naturalization; because a stranger naturalized may inherit Lands by descent, which a *Denizen* cannot. And again in the Charter, whereby a Man is made *Denizen*, there is commonly contained some one clause or other, that abridges him of that full benefit which natural subjects enjoy. And when a Man is thus enfranchised, he is said to be under the Kings Protection, or *Esse ad fidem Regis Anglia*; before which time, he can enjoy nothing in *England*. *Braſton (lib. 5. tract. 5. cap. 25. num. 2.)* saith, That he and his goods might be feised to the Kings use. See *Horns Mirror*, *lib. 1. cap. de la Venue de Franc-plege*, and *2 Part. Inst. fol. 741.*

De non Residentia Clerici Regis, Is an ancient Writ, the Form whereof see in *2 Part. Inst. fol. 624.*

Deodand (*Deodandum*) Is a thing given or forfeited, as it were to God for the pacification of his Wrath, in a Case of Misadventure, whereby a Christian Soul comes to a violent end, without the fault of any reasonable Creature. As, if a Horse strike his Keeper and kill him: If a Man, in driving a Cart, falls so, as the Cart-wheel runs over him, and preses him to death: If one be felling a Tree, and gives warning to the standers by, to look to themselves, yet a Man is killed by the fall of it. In the first of these Cases, the Horse; in the second, the Cart-wheel, Cart, and Horses; and in the third, the Tree is to be given to God, that is, to be sold and distributed to the Poor, by the Kings Almoner, for expiation of this dreadful event, though effected by unreasonable, yea, senseless and dead creatures. *Stamf. Pl. Cor. lib. 1. cap. 2. Braſton, lib. 3. tract. 2. cap. 5.*

Omnis que mouent ad Mortem sunt Deodanda.

What moves to Death, or kills the Dead, Is **Deodand**, and forfeited.

Fleta says, This **Deodand** is to be sold, and the price distributed to the Poor, for the Soul of the King, his Ancestors, and all faithful people departed this life. *Lib. 1. cap. 25. De Submersis.* Which Law seems to bear an imitation of that in *Exodus, cap. 21.* *Si cornu perierit bos virum vel mulierem, ita ut moriatur, lapidabitur bos neque comedetur caro ejus, ac Dominus ejus erit innocens.* This word is mentioned in the Stat. *De Officio Coronatoris, Anno 4 Edw. 1.* See 3 Part. Inst. fol. 57.

Deoneranda pro rata portionis, Is a Writ that lies where one is distrained for a Rent, that ought to be paid by others proportionally with him. For example, a Man holds ten Ogangs of Land, by Fealty, and ten Shillings Rent of the King, and aliens one Ogang thereof to one, and another to another in Fee: Afterward, the Sheriff or other Officer distrains only one of them for the Rent, he that is so distrained, may have this Writ for his relief. *Fitz. Nat. Br. fol. 234.*

Departure or Departure } Is a word properly applied to him, who, first pleading one thing in Bar of an Action, and being replied unto, does in his Rejoinder, wave that, and shew another matter contrary, or not pursuing his first Plea. *Plowden in Reneger and Fagossa, fol. 7, 8.* Or it may be applied to a Plaintiff, who in his Replication, shews new matter from his Declaration. As in *Crokes 2 Part, Bagshawe Case, fol. 147.* The Defendants hereupon demurred, because it was a departure from the Declaration. So if a Man plead a General Agreement in Bar, and in his Rejoinder allege a special one, this shall be adjudged a *Departure in Pleading.*

Departure in despight of the Court, Is when the Tenant or Defendant appears to the Action brought against him, and hath a day over in the same Term, or is called after, though he had no day given him, so it be in the same Term; if he do not appear, but make default, it is a *Departure in despight of the Court*, and therefore he shall be condemned; which *departure* is always of the part of the Tenant or Defendant, and the Entry of it is, *Quod prædictus A, licet solenniter excusus, non revenit, sed in contemptum Curia, recessit & defalcat fecit.* *Coke, lib. 8. fol. 62.*

Departures of Gold and Silver. See *Finors.*

Depopulation (Depopulatio) A wasting, pilling, or destruction; a desolation, or unpeopling of any place. *Cokes 12 Rep. fol. 30.*

Depopulatores agrorum, It appears by the Stat. 4 Hen. 4. cap. 2. that they were great offenders by the ancient Law, and that the Appeal or Indictment of them, ought not to be

General, but in Special manner. They are called *Depopulatores Agrorum*, for that by prostrating or decaying the Houses or Habitation of the Kings people, they depopulate, that is, dispeople the Towns. 3 Part. Inst. fol. 204.

Deposition (Depositio) Is the Testimony of a Witness, otherwise called a *Deponent*, put down in writing by way of answer to Interrogatories, exhibited to that purpose in the Court of Chancery; And when such witness is examined in open Court, he is said to be examined *Viva voce.* *Deposition* is also used for death; as in Provin. *Angl. lib. 2. tit. De feriis. Ordinamus quod Fesum Depositum Sancti Johannis de Beverlaco, 7 die Maii.* —*Per Provinciam nostram antedictam perpetuis temporibus celebretur.*

Deprivation (Deprivatio) A depriving, bereaving, or taking away. —*With the loss of deprivation of all the Spiritual Promotions, wherof, &c. Anno 2 & 3 Edw. 6. cap. 20. Deprivation of Bishops and Deans. Anno 39 Eliz. cap. 8.*

De quibus sur Disseisin, Is a Writ of Entry. See *Fitz. Nat. Br. fol. 191.*

Deraign or Dereyn (Disfrationare vel dirationare) Signifies generally, to prove, as *Dirationabit jus suum bares propinquior. Glanvil. lib. 2. cap. 6.* And, *Dirationabit terram illam in Curia mea,* He proved that Land to be his own. *Idem, lib. 2. cap. 20.* Bratton uses it in the same sense, *Habeo sufficientem disfraciacionem & probationem, lib. 4. tract. 6. cap. 16.* And so he useth *dirationare, lib. 4. cap. 22.* And to *Dereyn the Warranty, Old Nat. Br. fol. 146.* To *Deraign that right, 3 Edw. 1. cap. 40.* And *Westm. 2. cap. 5.* Anno 13 Edw. 1. cap. 5. When the Parson of any Church is disturbed to demand Tythes in the next Parish, by a Writ of *Indicavit*, the Patron shall have a Writ to demand the Advowson of the Tythes, being in demand, and when it is *Deraigned*, then shall the Plea pass in the *Court Christian*, as far forth as it is *Deraigned* in the Kings Court. In some places the Substantive *Dereinement* is used in the very literal signification with the French *Disfrayer or desfrayer*, that is, turning out of course, displacing or setting out of order; as *Deraignment or departure out of Religion, Anno 31 Hen. 8. cap. 6. and 5 & 6 Edw. 6. cap. 12.* And *Dereinement* or discharge of their profession. *33 Hen. 8. cap. 29.* Which is spoken of those Religious Men, who forsook their Orders and Professions. So *Kitchin, fol. 152.* The Leasee enters into Religion, and afterwards is *dereigned.* And *Britton, cap. 21.* hath these words *Semounis desirabilis*, for a Summons that may be challenged, as defective, or not lawfully made. Of this you may read something more in *Skene, verbo, Disfrationare*, where, in one signification, he confounds it with our waging and making of Law. See *Lex Deraigna.*

Descent, See Descent.

De son tort demesni (Fr.) Are words of Form, used in an Action of Trespass by way of Reply to the Defendants Plea. For example,

A. lies **B.** in such an Action, **B.** answers for himself, that he did that which **A.** calls a trespass, by the command of **C.** his Master; **A.** saith again, that **B.** did it, *de son tort demesme*, *sans coo que C. luy command, modo & forma*— That is, **B.** did it of his own wrong, without that that **C.** commanded him, in such form, &c.

Detrinet. See *Debito* and *Debet* and *Soleit*.

Detinue, (*detinendo*,) Is a Writ that lies against him, who, having Goods or Chattels deliver'd him to keep, refuses to re-deliver them. See *Fitz. Nat. Br. fol. 138.* To this is answerable in some sort *actio depositi* in the Civil Law. And he takes his Action of *Detinue*, who intends to recover the thing detained, and not the Damages susteined by the *Detinue*. *Kitchin, fol. 176.* See the *New Book of Entries*, verbo, *Detinue*.

Debasterunt bona Testatoris, Is a Writ lying against Executors, for paying Legacies and Debts without Specialties, to the prejudice of the Creditors that have Specialties, before the Debts on the said Specialties are due; for in this Case the Executors are as liable to Action, as if they had wasted the Goods of the Testator riotously, or converted them to their own use; and are compellable to pay such Debts by Specialty out of their own Goods, to the value of what they so paid illegally. For the orderly payment of Debts and Legacies by Executors, so as to escape a *Devastation* or charging their own Goods; See the *Office of Executors, ca. 12.*

Debenerunt, (*lat.*) Is a Writ anciently directed to the Escheator, when any of the Kings Tenants, holding in *Capite*, dyed; and when his son and heir, within age, and in the Kings custody, dyed; then this Writ went forth, commanding the Escheator, that he, by the Oath of good and lawfule men, enquire what Lands and Tenements, by the death of the Tenant, came to the King. See *Dyer, fol. 360. Pl. 4.* and *Keilways Rep. fol. 199. a.* Though this Writ in the fence abovefaid be disfused, yet a new use of it is prescribed by Act of Parl. *14 Car. 2. ca. 11.* Entituled, *An Act for preventing frauds, and regulating abuses in His Majesties Customs.*

Debest, (*Deviseire*) Is contrary to *Invest*; for, as *Invest* signifies to deliver the posession of any thing; so *Debest* signifies the taking it away.

Devise, or Dibile, (from the French, *Deviser*, to confer, or converse with; or from *Diviser*, to divide, or sort into several parcels) Is properly that act, by which a Testator gives, or bequeaths his Lands or Goods, by his last Will in Writing. He who makes the *Devise* is called the *Devisor*; and he to whom the *Devise* is made, the *Devisee*. The words of a Will the Law interprets in a larger and more favourable sense then those of a Deed; For, if Land be *Devised* to a man, to have to him for ever, or to have to him and his Affigines; in these two Cases the *Devisee* shall have a *Feesimple*; but, given in the same manner by Feoffment, he has

but an Estate for term of life. So, if one *Devise* Land to an Infant in his Mothers Belly, it is a good *Devise*; but, 'tis otherwise by Feoffment, Grant or Gift, for in those Cases, there ought to be one of ability, to take presently, otherwise it is void. *14 Eliz. Dyer. 304.* and *Coke on Litt. fol. 111.*

Devoires de Caleis, (*Anno 2 Rich. 2. Stat. 1. ca. 3.*) Were the Customes due to the King, for Merchandise brought to, or carried out of *Caleis*, when our Staple was there.—

Paying their Customes and Devoires to the King. *Anno 34 Ed. 3. ca. 18.* *Devoire* in French signifies Duty.

Debozez. See *Divorce*.

Dictum de Kenelworth, Was an Edict or Award, between King Henry the Third and all those Barons and others, who had been in Armes against him; and so called, because it was made at *Kenelworth-Castle* in *Warwickshire*. *Anno 51 Hen. 3.* containing a composition for the Lands and Estates of those who had forfeited them in that Rebellion.

Dicker of Leather, Is a quantity consisting of Ten Hides; The word probably comes from the Greek, *δεκας*, which signifies Ten.

Diem clausit extremum, Was a Writ that Issued out of the Chancery, to the Escheator of the County, upon the death of any of the Kings Tenants in *Capite*, to inquire by a Jury, of what Lands he died seised, and of what value, and who was next heir to him. *Fitz. Nat. Br. fol. 251.*

Dies. In the Common-Law there are *Dies juridici*, & *Dies non juridici*. *Dies non juridici* are all Sundayes in the Year; and, in *Easter-Term*, the Feast of the *Ascension* of our Lord; in *Trinity Term*, the *Nativity* of St. John *Baptist*; in *Michaelmas Term* the Feasts of *All Saints*, and *All Souls*; and, in *Hillary Term*, the *Purification* of the Blessed Virgin-Mary. And this was the Antient Law of England, and extends not only to Legal Proceedings, but to Contracts. *2 Part. Inst. fol. 264.*

Dies datus, Is a Day, or time of Respit given to the Tenant or Defendant by the Court. *Brooke, tit. Continuance.*

Dignitaries, (*dignitarii*,) Are those who are advanced to the Ecclesiastical dignity of *Dean*, *Arch-deacon*, *Prebendary*, &c. See *3 Part. Inst. fol. 155.*

Pietra rationabilis, Is in *Braeton* used for a reasonable days Journey. *Lib. 3. Tract. 2. ca. 16.*

Dignity Ecclesiastical, (*Dignitas Ecclesiastica*,) Is mention'd in the *Stat. 26 Hen. 8. ca. 31 & 32. ejusdem, ca. 15.* And is by the Canonists defin'd to be, *Administratio cum jurisdictione & potestate aliqua coniuncta*; whereof you may read divers examples in *Duarenus de Sacris Eccles. Ministris & Beneficiis, lib. 2. ca. 6.* Of Dignities and Prebends *Cam. reckons in England 544. Britan. pa. 161.*

Dilapidation, (*dilapidatio*,) A wastful spending, or destroying; or the letting Buildings run to ruine and decay for want of due reparation

paration. *Anno 13 Eliz. ca. 10.* Money recover'd for dilapidations shall be employ'd in repair of the same Houses. *Anno 14 Eliz. ca. 11.*

Piocytes, (*diocesis*, from the Greek *dia* and *oikatos*,) signifies with us the Circuit of every Bishops Jurisdiction; for, this Realm hath two sorts of Divisions, one into Shires or Counties, in respect of Temporal Policy; another into *Dioceses*, in order to Jurisdiction Ecclesiastical, of which we reckon 22 in England, and 4. in Wales.

Dimidietas, The one half. *Sciant—quod ego Matilda filia Willielmi le Franceys dedi—Waltero de Stetton dimidietatem illius Burgagii, &c. sine dat.* Ex libro Cart. Priorat. Leoninistr:

Disability, (*disabilitas*,) Is, when a man is disabled, or made incapable, to inherit or take that benefit which otherwise he might have done; which may happen four wayes; by the act of the Party, or his Ancestor; by the act of Law, or of God. *Disability* by the parties *own act*, is, If I bind my self, that upon surrender of a Lease, I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion; In this case, though I afterwards repurchase the reversion, yet I have forfeited my Obligation, because I was once disabled to perform it. *Coke lib. 5. fol. 21.* Also if a Man be Excommunicated, he cannot, during that time, sue any Action, but shall be thereby disabled. *Coke lib. 8. fol. 69.* *Disability* by the *act of an Ancestor* is, if a man be attainted of Treason or Felony; by this attainer, his blood is corrupt, and both himself and children disabled to inherit. *Disability* by the *Act of Law* is most properly, when a Man by the sole act of the Law is disabled; and so is an Alien born, who is disabled to take any benefit thereby. *Disability* by the *Act of God*, is, where a man is not of whole Memory, which disables him so, that in all cases, where he passeth any Estate out of him, it may, after his death, be disannull'd; for it is *Maxim in Law*, *That a Man of full Age shall never be receav'd to disable his own person.* *Coke lib. 4. fol. 123, 124.*

Difalt, Signifies as much as to disable. *Lit-tleton in his Chapter of Discontinuance.*

Difcarcatio, An unloading. *Ex Codice M. S. in Turri Lond.*

Disboscatio, A turning Wood-ground into Arable or Pasture, an affarting. See *Af-sart*.

Disceit. See *Deceit* and *Deceptione*.

Discent, (*Latin, Discessus. French Descente*,) An order or means whereby Lands or Tenements are derived unto any Man from his Ancestors; As to make his *descent* from his Ancestors, (*Old Nat. Br. fol. 101.*) is to shew how and by what particular degrees the Land in question came to him from his Ancestors. This *Descent* is either *Lineal* or *Collateral*; *Lineal Descent* is convey'd downward, in a right-line, from the Grandfather to the Father, and from the Father to the Son, and from the Son to the

Nephew, &c. *Collateral Descent* springs out of the side of the whole blood, as Grandfathers brother, Fathers brother, &c. If one die seised of Land (in which another has right to enter,) and it descends to his Heir, such *descent* shall take away the others right of entry, and put him to his Action for recovery thereof. *Stat. 32 Hen. 8. ca. 33.* *Coke on Litt. fol. 237.*

Disclaimer, (*from the French, Clamer, with the privative Du,*) Is a Plea containing an express denial, renouncing, or disclaiming. As, if the Tenant sue a Replevin upon a Distress taken by the Lord, and the Lord Avow, saying, That he holds of him, as of his Lord, and that he Distreynd for Rent not paid, or Service not perform'd; then the Tenant, denying to hold of such Lord, is said to *Disclaimer*, and the Lord proving the Tenant to hold of him, the Tenant loseth his Land. Also if a man denying himself to be of the Blood or Kindred of another in his Plea, is said to *Disclaimer* his Blood. See *Coke on Litt. fol. 102.* and *Fitz. Nat. Br. fol. 197.* If a man Arraigned of Felony, *Disclaimer* Goods; being cleared, he loseth them. See *Broke, and New Book of Entries*, tit. *Disclaimer*: And *Stamf. Pl. Cor. fol. 186.* In Chancery, if a Defendant by his Answer *Disclaimer* the having any interest in the thing in question, this is also called a *Disclaimer*.

Discontinuance, (*Discontinuatio*,) Signifies an interruption, intermission, or breaking off; as *Discontinuance of Possession, or of Proceedings*: The effect of *Discontinuance of Possession* is this, That a Man may not enter upon his own Land or Tenement alienated, whatsoever his right be to it, of his own self, or by his own authority, but must bring his Writ, and seek to recover Possession by Law: As if a Man alien the Lands he hath in right of his Wife, or if Tenant in Taile make any Feoffment, or Lease for Life, not warranted by the Stat. 32 Hen. 8. by Fine, or Livery of Scizin, such Alienations are called *Discontinuances*; which are indeed impediments to an Entry, whereby the true owner is left only to his Action. See the *Institutes of the Common-Law*, ca. 43, and *Cokes Reports*, lib. 3. *Case of Fines.* The effect of *Discontinuance of Plea*, is, That the opportunity of Prosecution is lost, and not recoverable, but by beginning a new Suit; For to be *Discontinued*, and to be put without Day is all one, and nothing else but finally to be dismissed the Court for that instant. So *Crompton, in his Jurisdict. fol. 131.* useth it, in these words; *If a Justice Seat be Discontinued, by the not coming of the Justices, the King may renew the same by His Writ, &c.* In this signification *Fitz. (in his Nat. Br.)* useth it divers times, as *Discontinuance of Coronation*, fol. 193. a. To *Discontinue* the right of his Wife, fol. 191. L. and 193. L. *Discontinuance of an Action*, *Discontinuance of an Affize*, fol. 182. D. 187. B. *Anno 31. Eliz. ca. 1.—12 Car. 2. ca. 4. and 14 ejusdem, ca. 10.* *Coke on Littl. fol. 325.*

Disfranchise, (*14 Car. 2. ca. 31.*) To take

take away ones Freedom or Priviledge; it is the contrary to *Enfranchise*, which vide.

Disgraving or Degrading (*Degradatio*) Is the punishment of a Clerk, who, being delivered to his Ordinary, cannot purge himself of the offence, whereof he was convict by the Jury, and it is the privation or devesting of the Holy Orders which he had, as *Priesthood*, *Deaconship*, &c. *Stamf. Pl. Cor. fol. 130 & 138.* There is likewise the *Disgrading* of a Lord, Knight, &c. Sir *Andrew Harkley*, Earl of *Carlis* was convicted, degraded, and attainted of *Treason*, *Hill. 18 Edw. 2. Coram Rege, Rot. 34, 35.* And by the Stat. 13 Car. 2. cap. 15. *William Lord Monson*, Sir *Henry Mildmay*, and others therein named, were degraded from all Titles of Honor, Dignities, and Prebendaries, and none of them to bear or use the Title of *Lord, Knight, Esquire, or Gentleman*, or any Coat of Arms for ever after, &c. By the *Canon Law* there are two sorts of degrading, one *Summary*, by word only; the other, *Solemn*, by devesting the party degraded of those Ornaments and Rights, which are the Ensigns of his Order or Degree. See *Seldens Titles of Honor*, fol. 787.

Disherison (*Fr. Desheritement*) Is an old word, signifying as much as *Disinheriting*. It is used in the Statute of *Vouchers*, made 20 Edw. 1. *Our Lord the King, considering his own damage and disherison of his Crown, &c.* And in 8 Rich. 2. cap. 4.

Disheritor. — *The Sheriff shall forthwith be punished, as a Disheritor of our Lord the King, and his Crown.* Anno 3 Edw. 1. cap. 39. One that disinheriteth, or puts another out of his inheritance.

Distmes (*Decima*) Are Tythes, or the Tenth Part of all the Fruits, either of the Earth or Beasts, or our Labor, due to God; and consequently to him, who is of the Lords lot, and had his share, *viz.* our Pastor. Also the Tents of all Spiritual Livings, yearly given to the Prince (called a *Perpetual Distm*, Anno 2 & 3 Edw. 6. cap. 35.) Which in ancient times were paid to the Pope, till he gave them to *Richard the Second*, to aid him against *Charles the French King*, and those others that upheld *Clement the Seventh* against him. *Pol. Virg. Hist. Angl. lib. 20.* Lastly, It signifies a tribute levied of the Temporality. *Holinshed in Hen. 2. fol. 111.*

Disparagement (*Disparagatio*) Was used especially for matching an Heir in Marriage under his or her degree, or against decency. See *Cowels Institutes*, iii. *De Nuptiis*, sect. 6. and *Coke on Littl. fol. 107. b.*

Dispasper, When any person by reason of his poverty, attested by his own Oath, of not being worth 5 l., his Debts being paid, is admitted to sue in *forma pauperis*; If afterwards, before the suit be ended, the same party have any Lands, or Personal estate fain to him, or that the Court, where the suit depends, think fit, for that or other reason, to take away that priviledge from him, then he is said to be *dis-*

paupered, that is, put out of the capacity of suing in *Forma Pauperis*.

Distracionare, Est contrarium ratiocinando *asserere*, vel quod assertum est ratiocinando *desnuere*. We now call it *Traverse*, to *Traverse*. See *Gloss. in decem Scriptor.* And *Deraign*.

Disseisin (*Fr. Disfaire*, not from *Disseisir*, as *Cowel* mistakes it) Signifies an unlawful dispossessing a Man of his Land, Tement, or other immovable or incorporeal right. And how far this extends, see *Braffon*, lib. 4. cap. 3. Therefore the Assises are called *Writs of Disseisin*, that lie against *Disseisors* in any Case, whereof some are termed *little Writs of Disseisin*, being *Vicontial*, that is suable before the *Sheriff* in the County Court, because determined by him without *Assise*. *Reg. of Writs*, fol. 98. As, for *Nusances* of no great prejudice.

Disseisin is of two sorts, either *Simple Disseisin*, committed by day without force and arms, (*Braffon*, lib. 4. cap. 4, *Britton*, cap. 42, 43, 44.) Or *Disseisin by Force*, for which see *Deforcer* and *Fresh Disseisin*. See *Redisseisin* and *Post disseisin*. See *Skene*, verbo *Disseisina*. How many ways *Disseisin* is committed, see *Fleta*, lib. 4. cap. 1. *Set. Fit autem*; and when it is lawful, cap. 2. Wrongful *Disseisin* is no descent in Law. 32 Hen. 8. cap. 33.

Disseisor, Is he that *disseiseth* or puts another out of his Land: And *Disseise* is he that is so put out. Anno 4 Hen. 4. cap. 7.

Disseisoreſſe, Is she that *disseiseth* another. *Coke on Littl. fol. 357. b.*

Distress (*Fr.*) Signifies most commonly a Compulsion in certain Real Actions, whereby to cause a Man to appear in Court, or to pay Rent, or other duty denied; or it is the thing distreined. The effect whereof most commonly is, To compel the party Distressed to Replevy the Distress, and so take his Action of Trespass against the Distreiner, or else to compound neighborly with him for the Debt or Duty, for which he Distreins. There are divers things not distreinable, as another Mans Gown in the House of a Tailor, or Cloth in the House of a Fuller, Sheerman, or Weaver: For they, being common Artificers, it is presumed such things belong not to themselves, but to others. *Virtual* is not distreinable, nor *Corn in Sheaves*, unless they be in a Cart: For a Distress ought to be of such things, whereof the Sheriff may make Replevin, and deliver again in as good Case, as they were at the time of the taking. A Man may *Distrein* for Homage of his Tenant, for Fealty, Escue, and other services, and for Fines, and Amercements assessed in a Leet, but not in a Court Baron, and for Damage-seasant, &c. But not for Rent due for any Land, except upon the same Land charged therewith, &c. When one hath taken a *Distress*, it behoves him to bring it to the Common Pound, or he may keep it in an open place, so that he give notice to the party, that he (if the *Distress* be a Quick-beast) may give

it food. See the Stat. *De districione Scaccarii*, 51 Hen.3.

Distress, is by Britton, cap.71. divided into *Personal* and *Real*. *Distress Personal* is made by distreining a Mans movable Goods², and seizing all the profits of his Lands and Tenements from the *Testa*, or date of the Writ, for the Defendants contempt, in not appearing to an Action brought against him, after he was Summoned or Attached; and the Issues so returned by the Sheriffs, are forfeited to the King, and Estrreated into the *Exchequer*.

Distress Real, is made upon immovable Goods. This differs from an *Attachment* in this (among others) that it cannot be taken by any common person, without the compass of his own Fee; except it be presently after the Cattle, or other thing, is driven or born off the Ground, purposely to avoid the *Distress*. *Fitz. Nat. Br.* fol.904. See *Attach.* and the Stat. 17 Car.2. cap.7.

Distress is also divided into *Finite* and *Infinite*; *Finite* is that which is limited by Law, how often it shall be made to bring the party to tryal of the Action, as once, twice, &c. *Old Nat. Br.* fol.43. *Distress infinite*, is without limitation, until the party come; as against a Jury, which refuseth to appear upon Certificate of *Affise*, the Proces is *Venire facias*, *Habeas corpora*, and *Distress infinite*. *Old Nat. Br.* fol. 113. Then it is divided into a *Grand Distress* (*Anno 52 Hen.3. cap.7.*) which *Fitzherbert* calls *Magnam Districcionem*, and an *Ordinary Distress*. A *Grand Distress* is that which is made of all the Goods and Chattels that the party hath within the County. *Britton*, cap.26. fol. 52. But see whether it be not sometimes all one with a *Distress infinite*. *Idem*, fol. 80. With whom also the Statute of *Marlbridge* seems to agree. *Anno 52 Hen.3. cap.7, 9 & 12.* See *Grand Distress* and *Attachment*.

District (*Districtu*) Is the place in which a Man hath the power of distreining, or the Circuit or Territory wherein one may be compelled to appear. *Britton*, cap. 120. Where we say, *Hors de son Fee*, others say, *Extra districtum suum*.

Distringas, Is a Writ directed to the Sheriff, or any other Officer, commanding him to Distrein one for a Debt to the King, &c. or for his not appearance at a day. See great diversity of this Writ in the Table of Register, *Judic. verbo Distringas*. This was sometimes of old called *Constringas*, as appears by this Writ in Henry the First or second days. *Lb. Rames. fol.227. Henricus Rex Angliae hominibus Abbatu de Ramefia salutem. Principio quod cito & justè redditus Abbati Domino vestro, quicquid ei debetis in censu, & firma, & debitis, & placitis, sicut justè monstrare poterit quod ei debetis. Quod si nolueritis, ipse vos inde constringat per pecuniam vestram. Teste Cancellar. apud Gloucester.* By *Pecuniam vestram*, in those days was understood *Bona & catalla*.

Dividend, in the *Exchequer* seems to be one

part of an Indenture. *Anno 10 Edw.1. cap.11.* and 28 *Eiusdem, Stat. 3. cap.2.*

Dividend in the University, is that share or part, which every one of the Fellows does equally and justly divide, either by an Arithmetical or Geometrical Proportion of their Annual stipend.

Divise. See *Devise*.

Divorce (*Divorium & divertenda*) Is a Separation of two; *de facto* married together; of which, there be two kindes, one *A Vinculo Matrimonii*; the other, *A mensa & thoro*. The Woman divorced, *A Vinculo Matrimonii* receives all again that she brought with her. This only arises upon a nullity of the marriage, through some essential impediment, as *Consanguinity* or *Affinity* within the degrees forbidden, *Precontract*, *Impotency*, &c. Of which Impediments, Divines reckon fourteen, comprehended in these Verses,

Error, Conditio, Votum, Cognatio, Crimen, Cultus, Disparitas, Vi, Ordo, Ligamen, Honestas, Si sis affinis, Si forte corde nequibus, Si Parochi & duplicitis desit presentia testis, Raptave sit mulier, nec parti redditia tutæ.

'*Divorce*', Is a Judgment Spiritual, wherefore, if there be occasions, it ought to be reserved in the Spiritual Court. See *Coke*, lib.7. *Kennys Case*. *Idem*, lib.5. fol.98. And on *Littl. ful.225.*

In the Old Law, the Woman divorced was to have of her husband a writing (as *S. Jerome* and *Josephus* testifie) to this effect, *I promise, that hereafter I will lay no claim to thee*; which was called *A Bill of Divorce*.

Docket, Is a Brief in Writing. *Anno 2 & 3 Pb. & Ma. cap.6.* *West* writes it *Dogget*, by whom it seems to be some small piece of Paper or Parchment, containing the effect of a greater Writing. *Symbol. par. 2. tit. Fines, sect.106.*

Lo do Latu (*Facere Legem*) Is as much as to make Law. *Anno 23 Hen.6. cap. 14.* See *Make*.

Dogdraw, Is a manifest apprehension of an Offender against Venison in a Forest, when he is found *drawing* after a Dear by the scent of a Hound, led in his hand. There are four of these noted by *Manwood*, par.2 cap.18. num. 9. viz. *Stablestand*, *Dogdraw*, *Back bear*, and *Bloodihand*.

Dogger, A kinde of little Ship. *Anno 31 Edw. 3. stat. 3. cap. 1.* — All the Ships called *Doggers* and *Landships*, &c.

Dogger-fish. *Ibidem*, cap. 2. Seems to be Fish brought in those Ships to *Blackness Haven*, &c.

Dogger-men (25 Hen.8. cap.4.) Sea-men that belong to Dogger-ships.

Dogget. See *Docket*.

Dotkin, Was a kinde of base Coyn of small value, prohibited by the Stat. 3 Hen.5. cap. 1. Hence we still retain the phrase, *Not worth a Dotkin*.

Dole (*Dola. Sax. dcl. Pars, portio, a dclan, dividere, distribuere*) Is a part or portion most commonly of a Meadow, so called to this day. As **Dole-Meadow** (*Anno 4 Jac. cap. 11.*) where several persons have shares. In *le Submede* (*i. prato australi*) babet Prior per sortem illam que vocatur **Crimddprest**, tres Dolas, sicut fors illa cadit. Et in qualibet Dola, babet 4 Polas, sive ovo andenas (*i. Swaths*) jacentes simul. Lib. Priorat. Dunstable, cap. 5.

Dolefish; Seems to be that Fifth, which the Fisher-men, yearly employed in the North-Seas, do of Custom receive for their allowance or shares. See the Stat. 35 Hen. 8. cap. 7.

Dolg-bote (*Sax.*) A recompence, amends, or satisfaction made for a Scar or Wound. *Sax. Dict. LL. Aluredi Regis, cap. 22. Dolgbot legitur.*

Dom-boc (*Sax.*) *Liber judicialis. Legg. Edvardi Regis senioris, cap. 8. Bede tpa Dom-boc tace, i. Compenset sicut Liber judicialis statuerit.* Some Book of Statutes or Decrees proper to the English Saxon; such haply as that wherein the Laws of former Saxon Kings were contained. That Chapter seeming to refer to the Laws of King *Ina*, cap. 29.

Domesday or **Domesdei** (*Liber Judicarius, alias Censuialis Angliae*) Comes from the Saxon dom, *i.* Judgment, not *Domus Dei*, (as some Authors have it) is a Book, which now remains in the Exchequer, containing two great Volumes; It was made in *William the Conqueror's* time, according to *Camden* in his *Britannia*, who proves it out of *Ingulphus*, that flourished in the same time; and whose words are, *Totam terram descripsit, nec erat Hyda in tota Anglia, quin valorem ejus & possessorem scivit, nec lacus, nec locus aliquis, quin in Regis Rotulo extitit descriptus, ac ejus redditus & proveniens, ipsa possessio & ejus possessio Regie notitia manifestatus, juxta taxatorum fidem, qui electi de qualibet patria territorium proprium describabant. Iste Rotulus vocatus est Rotulus Wintoniæ, & ab Angliæ, pro sua generalitate, quod omnia Tenementa totius terra continuit, Domesday cognominatur.* So it is called in the Stat. 1 Rich. 2. cap. 6. And in *Ockams Lucubrations defini* Regis ratione, which seems to be taken out of *Liber Rubeus*, in the Exchequer.

It is called *Liber Judicarius*; *Quia in eo totius Regni descriptio diligens continetur, singularumque fundorum valentia exprimitur: And Domesday* (as *Gervas. Tilbur. fays*) *Non quod in eo de propositis aliquibus dubius feratur sententia, sed quod a predicto Judicio non licet ultra ratione discedere.* It was begun in the year 1081. and finished 1086. *Camden* calls it *Guilielmi librum Censualem*, the Tax-Book of *William*. See more, if you please, in *Spelm. Gloss.* and *4 Inst. fol. 269.* I finde it also written *Domesdey*, in an ancient Record.

Domicellus and **Domicella**. *John of Gaunt, Duke of Lancaster, had by Katherine Swinford, before marriage, four illegitimate Children, viz. Henry, John, Thomas, and Joan;* and, because they were born at *Beaufort* in

France, they were vulgarly called *Henry de Beaufort, &c.* *John* before 20 Rich. 2. was Knighted, and *Henry* became Priest. At the Parliament holden 20 Rich. 2. the King, by Act of Parliament in form of a *Charter*, did legitimate these Children. *Rex — Charissimis consanguincis nostris nobilibus viris Johanni Militi, Henrico Clerico, Thome Domicello ac dilecta nobis nobilli mulieri Johanna Beaufort Domicella, Germanis præcharissimi Avunculi nostri, Johannis Ducis Lanc. natis ligeis nostris, salutem, &c.* *Teste Rege apud Wessem. 9. dic Febr. per ipsum Regem in Parlamento.* In this Act (says *Sir Edw. Coke, 4 Inst. fol. 37.*) the said *Thomas*, before his Legitimation, could not be called *Esguare*; and therefore had the Addition *Domicello*, derived of the French word *Domicel*, which (says he) signifies a young Soldier not yet Knighted, or nobly born, &c. which is a mistake; for there is no such French word as *Domicel*, but *Damoisel*; nor can *Domicellus* properly be derived from thence, but is an obsolete Latin word, and anciently given as an Appellation or Addition to the Kings (natural) Sons in *France*, and sometimes to the eldest Sons of Noblemen there; from whence, doubtles, we borrowed the words. See *Spel. Gloss. verbo Domicellus. Tidemannus permisso Divina Wigorn. Episcopatus dilecto in Christo filio Johanni de Fulwode nostra Dioc. Domicello, salutem.* — *Dat. 7 Febr. 19 Rich. 2.* Here it is used to a private Gentleman, as Lord of a Manner.

Dominica in Ramis Palmarum, Palm-Sunday. *Md. quod ego Henricus de Erdington feci Homagium & fidelitatem Domino Will. de Stafford apud Bromsulph in Com. Staff. die Mercurii prox. ante Dominicam in Ramis Palmarum, Anno Regni Regis Edw. xxiiii, pro terris & tenementis que teneo in villa de Hunsfrancote in Com. War. &c.*

Domo Reparanda, Is a Writ that lies for one against his neighbor, by the fall of whose House, he fears damage to his own. *Bog. of Writs, fol. 153.* In which *Cafe*, the *Civilians* have the Action *De domino infatio*.

Donatibe (*Donativum*) Is a Benefice merely given and collated by the Patron to a Man, without either *Presentatione* to, or *Institutione* by, the Ordinary, or Induction by his command. *Fitz. Nat. Br. fol. 35. E.* See the Stat. 8 Rich. 2. c. 4. And where a Bishop hath the gift of a Benefice, it is properly called a *Donative*, because he cannot present to himself. *Petrus Gregorius, de Beneficiis, cap. 11. num. 1.* hath these words. — *If Chappells founded by Laymen, were not approved by the Diocesan, and (as they term it) spiritualized, they are not accounted Benefices, neither can they be conferred by the Bishop, but remain to the pious disposition of the Founders;* wheresore the Founders and their Heirs, may give such Chappells, if they will, without the Bishop. *Gwin in the Preface to his Readings, faith, That the King might of ancient time, found a Free-Chappel, and exempt it from the Jurisdiction of the Diocesan:* So also may he,

he, by his Letters Patent, give Licence to a common person to found such a Chappel, and make it *Donative*, not presentable; and that the Chaplain shall be deprivable by the Founder, or his Heir, and not by the Bishop, which seems to be the original of *Donatives* in England. *Fitzherbert* faith, fol. 23. That there are some *Chantries* which a Man may give by his Letters Patent. All *Bishopricks* were, in ancient time, *Donative* by the King. *Coke*, lib. 3. fol. 75.

Donor, Is he who gives Lands or Tenements to another in Tail; and *Donee* is he to whom the same are given.

Dom (Sax. *dom*) A Judgment, Sentence, Ordinance, or Decree; also fence or signification. *Substantiva quadam* (says Mr. *Somner*) *excusa in Dom*, ubi compositionis gratia videtur appossum, & quandoque munus denotat vel officium, item dictum & dominium, ut in Kingdom, Earldom, &c. — *Habeat Gribbriche & Forstal, & Dom, & Dom, & Wreche in Mari.* *Mon. Angl.* 1. par. fol. 284. a.

Dorture (*Dormitorium*) Is the Common Room or Chamber where all the Religious of one Convent slept and lay all night. *Anno 25 Hen. 8. cap. 11.*

Dote Assignanda, Is a Writ that lay for a Widow, where it was found by Office, That the Kings Tenant was seised of Tenements in Fee or Fee-tail, at the day of his death; and that he held of the King in Cheif, &c. In which Case, the Widow came into the *Chancery*, and there made Oath, That she would not marry without the Kings leave. *Anno 15 Edw. 3. cap. 4.* And hereupon she had this Writ to the Executor, for which, see *Reg. of Writs*, fol. 297. and *Fitz. Nat. Br.* fol. 263. These Widows are called the Kings Widows. See *Widow*.

Dote unde nihil habet, Is a Writ of Dower that lies for the Widow, against the Tenant, who bought Land of her Husband in his life time, whereof he was solely seised in Fee-simple or Feetail, in such sort, as the issue of them both might have inherited. *Fitz. Nat. Br.* fol. 147.

Potis Admensuratio. See *Admeasuramen*t, and *Reg. of Writs*, fol. 171.

Doubles (*Anno 14 Hen. 6. cap. 6.*) Signifie as much as Letters Patent, being a French word made of the Latin *Diploma*.

Double Plea (*Duples Placitum*) Is that wherein the Defendant alleageth for himself two several matters, in Bar of the Plaintiffs Action, whereof either is sufficient to effect his desire, which shall not be admitted for a Plea. As, if a Man allege several matters, the one nothing depending upon the other, the Plea is accounted *Double*, and not admittable; but, if they be mutually depending each of other, then is it accounted single. *Kitchin*, fol. 223. See *Brook, hoc tit.* And Sir *Ivo. Smith* gives this reason why such *Double Plea*, is not admitted by our Law; because the triall is by Twelve rude Men, whose Heads are not to be

troubled with over many things at once. *Lib. 2. de Rep. Angl. cap. 13.*

Domus Comversorum. See *Rolls*.

Domus Dei, The Hospital of S. Julian in Southampton, so called. *Mon. Angl. 2 par. fol. 440. b.*

Double Quarrel (*Duplex Querela*) Is a Complaint made by any Clerk, or other, to the Archbishop of the Province, against an Inferior Ordinary, for delaying Justice in some Cause Ecclesiastical; as to give Sentence, Institute a Clerk presented, or the like; and seems to be termed a *Double Quarrel*, because it is most commonly made against both the Judge and him, at whose suit Justice is delayed. *Cowels Interp.*

Dowager (*Dotata*) A Widow endowed, or that hath a Jointure; a Title or Addition, applied in general to the Widows of Princes, Dukes, Earls, and Persons of Honor only.

Dower (*Dos & Dotarium*) The first (*Dos*) properly signifies that which the Wife brings her Husband in Marriage, otherwise called *Maritagium*, Marriage Goods. The other, (*Dotarium or Doarium*) that Portion of Lands or Tenements, which she hath for term of her life from her Husband, if she out-live him. *Glanvile*, lib. 7. cap. 1. *Bracton*, lib. 2. cap. 38. *Britton*, cap. 101. in *Princip*. Some Authors have for distinction, called the First a *Dowry*, and the other a *Dower*, but they are often confounded. Of the former our Law-books speak little, of the later, there are five kindes, viz.

1. *Dower per Legem Communem*
2. *Dower per Consuetudinem*.
3. *Dower ex Assensu Patris*.
4. *Dower ad Officium Ecclesie*.
5. *Dower de la Plus Bela*.

Dower by the Common Law, Is a Third Part of such Lands, as the Husband was sole seised of in Fee, during the Marriage, which the Wife is to enjoy, during her life; for which, there lies a Writ of *Dower*. *Dower by Custom*, gives the Wife, in some places, half her Husbands Lands, so long as she lives sole, as in *Gavelkind*: And as *Custom* may enlarge, so may it abridge *Dower*, and restrain it to a fourth part. *Ex Assensu Patris, ad Officium Ecclesie*, the Wife may have so much *Dower*, as shall be so assigned or agreed upon, but it ought not to exceed a third part of the Husbands Lands. *Glanv. lib. 6. cap. 1.* And if it be done before Marriage, it is called a *Joynture*. *Dower de la Plus Bela*, Is when the Wife is endowed of the fairest, or best part of her Husbands Estate. See *Coke on Lisl.* fol. 33. b. *Romanis non in usu fuit uxoris Dotes retrahere, ideo verbo genuino carent quae hoc dignoscuntur;* & rem ipsam in Germanorum moribus miratur *Tacitus*. *Dotem, (inquit) non uxor Marito, sed uxor Maritus affect. Specim.*

To the consummation of *Dower* three things are necessary, viz. *Marriage, Seizin, and the Husbands death.* *Bingham's Case*, 2 Rep. If the Wife

Wife be past the age of nine years at the death of her Husband, she shall be endowed; If a Woman elope, or go away from her Husband with an Adulterer, and will not be reconcil'd, she loseth her Dower, by the Stat. of Westm. 2. ca. 34. 2 Part Inst. fol. 433.

Camden (in his Brit. tit. *Suffex.*) relates this memorable Case, (out of the Parl. Records, 30 Edw. 1.) Sir John Camoës, son of the Lord Ralph Camoës, of his own free-will gave and devised his own Wife Margaret, Daughter and Heir of John de Gaidesden, unto Sir Will. Panell Knight; and, unto the same William, Gave, Granted, Released, and Quit-claimed all her Goods and Chattels, &c. So that neither he himself, nor any Man else in his Name, might make Claim, or ever Challenge any Interest in the said Margaret, or in her Goods or Chattels, &c. By which Grant, when she demanded her Dower in the Mannor of Torpull, part of the Possessions of Sir John Camoës her first Husband, there grew a Memorable Sute in Law, but wherein she was overthrown, and Judgment pronounced, That she ought to have no Dower from thence, upon the Stat. of Westm. 2. Quia recessit a marito suo in vita sua, & vixit ut Adultera cum praedicto Guisielmo, &c. This Case is cited also in 2 Inst. fol. 435.

Of Dower Read *Fleta*, who Writes largely and Learnedly of it, Lib. 5. ca. 22. & seq.—

Among the Jews, the Bridegroom, at the time of the Marriage, gave his Wife a Dowry Bill, the Form whereof you may see in Moses and Aaron, pa. 235.

Dozein, (Decenna,) In the Stat. for view of Frankpledge, made 18 Ed. 2. one of the Articles for Stewards in their Leets to enquire of, is; If all the Dozeins be in the Alsize of our Lord the King, and which not, and who received them. Art. 3. See *Deciners*. Also there is a sort of Devonshire Kersies, called Dozens. Anno 5 & 6 Ed. 6. ca. 6.

Draggs, Anno 6 Hen. 6. ca. 5. seem to be Wood or Timber, so joyned together, as that, swimming or floating upon the Water, they may bear a burden or load of other Wares down the River.

Dawlatches. Anno 5 Edw. 3. ca. 14. and 7 Rich. 2. ca. 5. Lamb. (in his Eiren. lib. 2. ca. 6.) calls them *Misching Thieves*; as *Wafters* and *Roberds-men*, mighty *Thieves*; saying the Words are grown out of use.

Deit-Deit, Signifies a double-right, that is, *Jus possessionis & ius dominii*. Bratton lib. 4. ca. 27. and lib. 4. Tract. 4. ca. 4. and lib. 5. Tract. 3. ca. 5. Coke on Lit. fol. 266.

Drenches, or **Drenges**, (Drenge) Were Tenures in Capite, says an ancient M.S. Domeday Tit. Lestresc. Roger. Pictaviens. Neuton. Hujus Manerii aliam terram 15 homines quos **Drenches** vocabant, pro 15 Manerii tenebant. They were (says Spelman), e genere vassalorum non ignobilium, cum singulis qui in Domesd. nominantur singula possident Maneria. Such as at the coming in of the Conqueror, being put out of their Estates, were afterward, upon

complaint unto him, restored thereunto; for that they being before owners thereof, were neither in auxilio or consilio against him: of which number was Sharneburne of Norfolk. Sir Edward Coke, in Littl. fol. 5. b. says, *Drenches* are Free-Tenants of a Mannor: misprinted doubtless for *Drenches*. In Cukene manebat quidam homo, qui vocabatur Gamilbere, & fuit verus **Dreyngh** ante Conquestum, tenuit duas Carucatas terra de Domino Regis in Capite, pro talis servicio, de ferrando Palefridum Dom. Regis super quatuor pedes de Cluario Dom. Regis, quotiescunque ad Manerium suum de Mansfeld jacuerit, & si inclaudet Palefridum Domini Regis, dabit ei Palefridum quatuor Mercarum. Mon. Angl. 2.p. fol. 598.a.

Drengage, (Drengagium, vel servitium Drengarii,) The Tenure by which the Drenches held their Lands, of which see *Trin.* 21 Ed. 3. Ebor. & Nortumb. Rot. 191. Notandum est, eos omnes corunve antecessores, qui e Drengorum classe erant, vel per Drengagium tenuere, sua incoluisse patrimonia ante adventum Normannorum. Spelm.

Drie Exchange, (Anno 3 Hen. 7. ca. 5. (cambium siccum,) Seems to be a cleanly term, invented for the disguising foul Usury; in which something is pretended to pass on both sides, whereas in truth nothing passeth but on the one side, in which respect it may well be called *Dry*. Of this Lud. Lopes tract. de Contract. & Negotiat. lib. 2. ca. 1. Sec. 2. Deinde postquam, writes thus, Cambium est realis vel siccum; Cambium realis dicitur, quo consistentiam versi Cambii realis habet, & Cambium per trans, & Cambium minutum. Cambium autem siccum est Cambium non habens existentiam Cambii, sed apparentiam ad instar arboris essecatae, qua humore vitali jam carens, apparentiam arboris habet, non existentiam.

Drie rent, rent seek. See *Rent*.

Drift of the Forest, (Agitatio animalium in Foresta,) Is an exact View, or Examination, what Cattel are in the Forest, that it may be known whether it be over-charged or not, and whose the Beasts are; and, whether they are Commonable Beasts &c. When, how often in the Year, by whom, and in what manner this Drift is to be made, See *Manwood*, Part. 2. ca. 15. and 4 Inst. fol. 309.

Drinklean, (Sax. drinc-lean,) In some Records written *Potura Drinklean*; Is a Contribution of Tenants towards a Potation, or an Ale provided to entertain the Lord, or his Steward; a Scos-ale.

Drofdennes, — *Quod Dominus debet habere Drofdenes arbores de crescentis et. annorum & infra.* Kanc. Patch. 44 Edw. 3. quare. **Drofdenn**, (among our Saxons) signified a Grove, or Woody place, where Cattel were kept; and, the Keeper of them was called *Drofman*.

Drotland, or **Dryland**, (from the Sax. drypfenc. i. Driven,) Was antiently a Quiet-rent, or Yearly payment made by some Tenants to their Landlords, for driving their Cat-

rel through the Mannor to Faires and Markets. Mr. Philips Mistaken Recompence, fol. 39.

Droit, (French, Droit,) In Law there are six kinds of it, viz.

1. *Jus recuperandi.*
2. *Jus intrandi.*
3. *Jus habendi.*
4. *Jus retinendi.*
5. *Jus percipiendi.*
6. *Jus possidendi.*

All these several sorts of rights, following the relations of their objects, are the effects of the Civil Law. Vide Coke on Littl. fol. 266 & 345. b. — Of meer droit, and very right. Anno 27 H. 8. ca. 26.

Droit de Abbotzen. See *Recto de Advocacione Ecclesie.*

Droit close. See *Recto clausum.*

Droit de Dotore. See *Recto dotoris.*

Droit sur disclaimer. See *Recto sur disclaimer.*

Droit patent. See *Recto patens* and *Calthrop Rep.* fol. 132.

Duces tecum, Is a Writ, commanding one to appear at a day in the Chancery, and to bring with him some Evidences, or other thing which the Court would view. Which is also granted, where a Sheriff, having in his custody a Prisoner in an Action Personal, returns, upon a *Habeas Corpus*, that he is *ad eundem languidus*, that, without danger of death, he cannot have his Body before the Justices. See *New Book of Entries* on this Word.

Duell, (Duellum, according to Eteta,) *Est singularis pugna inter duos ad probandum veritatem litis, & qui vicerit, probabitur intelligitur, &c.* Stat. de Finibus levavi, 27 Edw. I. The trial by *Duell*, *Combat*, or *Campfight*, in doubtful Causes is now disused, though the Law on which it was grounded be still in force. See 3 Part. Inst. fol. 221, and see *Combat*. Per libertatem habere duellum, *Johannes Stanley Jr. clamat, quod si aliquis placuerit aliquam de libero tenementa in Curia sua de Aldford per breve Domini Comitis de resto patenti, tenere & terminare prædictum placitum per duellum, prout jus est per Communem legem.* Plac. in Itin. apud Ceftriam 14 Hen. 7.

Stephanus de Nerbona omnibus — Sciat me dedisse Willielmo filio Radulpho de Filangie pro homagio & servicio suo, & propter Duellum quod fecit pro me, — Ducas virginas terre, — Sine Dat. M.S. penes Will. Dugdale, Ar.

Duke, (Lat. *Dux*, Fr. *Duc*,) Signified among the ancient Romans, *Ductorum exercitus*, such as led their Armies; Since which they were called *Duces*, to whom the King committed the Custody or Regiment of any Province. In some Nations at this day the Sovereigns of the Country are called by this Name, as *Dukes of Russia*, *Duke of Savoy*, &c. In England Duke is the next in Secular Dignity to the Prince of Wales; And, (as Camden says,) Heretofore in the Saxon time, were called *Dukes*, without any addition, being meer Officers

and Leaders of Armies. After the Conqueror came in, there were none of this Title till Edward the Third's dayes, who made Edward his Son Duke of Cornwall, after which there were more made, in such sort, as their Titles descended to their Posterity; They were created with Solemnyty per cincturam gladii, *Cappaque & circulis aurei in Capite impositionem.* Vide *Cam. Britan.* p. 166. *Zarizom de feudis*, pa. 4. Num. 7. *Cassian. de Consuetud. Burg.* pa. 6 & 10. And Ferns Glory of gencrofity, pa. 136.

Dutchy-Court, Is a Court wherein all matters appertaining to the Dutchy, or County-Palatine of Lancaster are decided by the decree of the Chancellor of that Court; the Original of it was in Henry the Fourth's days, who, obtaining the Crown by Depositing Richard the Second, and having the Dutchy of Lancaster by Descent, in Right of his Mother, was seized thereof as King, and not as Duke; So that all the Liberties, Franchises and Jurisdictions of the said Dutchy passed from the King by his Great Seal, and not by Livery or Attunement, as the Possessions of Everwick, the Earldom of March, and such others did, which had descended to the King by other Ancestors than the Kings; But, at last, Henry the Fourth, by Authority of Parliament, passed a Charter, whereby the Possessions, Liberties, &c. of the said Dutchy were sever'd from the Crown; yet Henry the Seventh reduced it to its former nature, as it was in Henry the Fifth's days. *Crom. Jur.* fol. 136.

The Officers belonging to this Court, are, the Chancellor, Attorney, Receiver-General, Clerk of the Court, Messenger: Besides which, there are certain Assistants, as one Attorney in the Exchequer, one Attorney of the Dutchy in Chancery, four Persons learned in the Law, retained of Council with the King in the said Court; whereof Gwin (in Preface to his Readings,) speaks thus; *It grew out of the grant of King Edward the Third, who gave that Dutchy to his Son John of Gant, and endowed it with such Royal Right, as the County Palatine of Chester had.* And, for as much as it was afterward extinct in the Person of King Henry the Fourth, by reason of the Union of it with the Crown, the same King (suspecting himself to be more rightfully Duke of Lancaster, then King of England,) determined to save his Right in the Dutchy, whatever should befall the Kingdom; and therefore he separated the Dutchy from the Crown, and settled it so in the natural Persons of Himself and his Heires, as if he had been no King or Politic Body at all; In which condition it continued, during the Reign of Henry the Fifth, and Henry the Sixth, that descended from him; But, when Henry the Fourth had, (by recovery of the Crown,) re-commenced the Right of the House of York, he feared not to appropriate that Dutchy to the Crown again; yet so, that he suffer'd the Court and Officers to remain as he found them; In which manner it came, together with the Crown, to Henry the Seventh, who, liking well of Henry

Henry the Fourth's Policy, (by whose Right also he obtained the Kingdom,) made a like separation of the Dutchy, and so left it to His Posturity, who still injoy it. *Cowell.*

Dum sicut infra statem, Is a Writ, which lies for him, (who, before he came to full age, made a Feoffment of his Land,) to recover it again from the Vendee. *Fitz. Nat. Br. fol. 192.*

Dum non sicut compos mentis, He, who being not of sound Memory, and Aliens any Lands or Tenements, may have this Writ against the Alien. *Fitz. Nat. Brev. fol. 202.*

Duplicat, Is used by Crompton for a second Letters Patent, granted by the Lord Chanceller, in a Case wherein he had formerly done the same, and was therefore thought void. *Crom. Jurisd. fol. 215.* Also a second Letter written and sent to the same party and purpose, as a former, for fear of a miscarriage of the first, or for other reason, is called a *Duplicat.* The word is used *i.e. Car. 2. c. 10.*

Duresse, (*Durissima*) Is, where one is kept in Prison, or restrained of his Liberty, contrary to the Order of Law; or threatened to be kill'd, maym'd, or beaten: And, if such person, is in Prison, or in fear of such Threats, make any Specialty, or Obligation, by reason of such Imprisonment, or Threats, such Deed is void in Law: and, in an Action brought upon such Specialty, the Party may Plead, That it was made by *Duresse*; and so avoid the Action. Broke in his *Abridgment* joyneth *Dures* and *Manasse* together. *i.e. durissim & minas;* hardship, and threatnings.

Dyke-reeve, A Bailiff, or Officer, that has the care and over-sight of the Dykes and Draines in Deeping-Fens, &c. mentioned Anno 16 & 17 *Car. 2. c. 11.*

E.

E Alderman, or Caldozman, (*Aldermanus*) Among the *Saxons*, was as much as Earl among the Danes. *Cam. Britan. pa. 107.* Also, an Elder, Senator or States-Man; and, at this day we call them *Aldermen*, who are Associates to the Chief Officer in the Common-Council of a City, or Borough-Town. *24 H. 8. ca. 13.* Sometimes the Chief Officer himself is so called. See *Alderman*.

Earl, (*Sax. Eopl. Comes,*) This Title, in ancient times, was given to those, who were Associates to the King in his Councils, and Martial-Actions; And, the manner of their Investiture into that Dignity, was, *Per cincturam gladio Comitatus*; without any Formal Charter of Creation. See Mr. Dugdale's *Warwicksire*, fol. 302. But, the Conquerour, (as Camden notes) gave this Dignity, in Fee, to His Nobles, annexing it to this or that County, or Province; and, allotted them, for their Maintenance, a certain proportion of Money

arising from the Princes Profits, for the Pleadings, and Forfeitures of the Provinces: For example, he brings an ancient Record in these words; *Henricus 2. Rex Anglia, bis verbū Comitem creavit; Scutis nos fecisse Hugonem Bigot Comitem de Norf. &c. de tertio denario de Norwic. & Northfolk; sicut aliquis Comes Anglia liberius Comitatum suum tenet.* About the Reign of King John, and ever since, our Kings have made *Earles* by their Charter, of this or that County, Province, or City; but, of late, giving them no Authority over the County, nor any part of the Profits arising by it; onely some Annual Fee out of the Exchequer, &c. The manner of their Creation is, by Girding them with a Sword. *Cam. pa. 107.* but, see the Solemny described more at large in *Stowes Annals*, *pa. 1121.* Their place is next to a Marquess, and before a Viscount. *Comitatus a Comite dicatur, aut vice versa.* See more on this Subject in *Spelmans Gloss.* verbo *Comites*; and in *Seldens Titles of Honour*, *fol. 676.* and see *Countee*.

Easement, (*Aisamentum*, from the French, *Aise*. i. *commoditas*,) Is a Service, or Convenience, which one Neighbour has of another by Charter, or Prescription, without Profit; as, a Way through his Ground, a Sink, or such like, *Kyrbin*, *fol. 105.* Which, in the Civil-Law is called *Servitus pradii*. — *Principias R. quod juste & sine dilatione permittas habere H. aisamenta sua in Bosco & in pastura de villa illa, &c.* Breve Regium vetus, apud Glanvil. lib. 12. ca. 14.

Eberemurder, (*Sax. ebepe-mors*) *Appertum Murdrum*; Was one of those Crimes, which, by Henry the First's Laws, *ca. 13.* *Emendari non possunt. Hoc ex scelerum genere fuit, nullo pretio, (etiam apud Saxones nostros,) expiabilium, cum alia licuit pecunii commutare.* Spelman.

Ecclesia, (*Lat.*) Is most used for that place where Almighty God is Served, commonly called a *Church*. But *Fitz.* says, by this word *Ecclesia*, is meant onely a Parsonage; and thereiore, if a Presentment be made to a *Chappel*, as to a *Church*, by the name *Ecclesia*, this does change the nature of it, and makes it presently a *Church*. *Nat. Br. 32.* When the Question was, Whether it were *Ecclesia aut Capella pertinens ad matrem Ecclesiam*; The issue was, Whether it had *Baptisterium & Sepulturam*; for, if it had the Administration of Sacraments and Sepulture, it was in Law judged a Church. *Trin. 20 Edw. I. in banco, Rot. 177. 2 Inst. fol. 363.*

Ecclesiastical Persons, Are, either *Regular*, or *Secular*; *Regular* are such as lead a Monastical Life, under certain Rules; and, have Vowed Obedience, perpetual Chastity, and wilful Poverty: When a Man is Professed in any of the Orders of Religion, he is said to be a *Man of Religion*, a *Regular*, or *Religious*; of this sort are Abbots, Priors, Monks, Friars, &c. *Secular* are those, whose ordinary Conversation is among *Men of the World*; and Profess the Undertaking

Undertaking the Charge of Souls, and live not under the Rules of any Religious Order; such, are Bishops, Parish-Priests, &c.

Cele fares, alias **Cele bare**, (*Anno 25 H. 8.*) The Fry, or Brood of **Celes**.

Efractores, (Lat.) Burglars, that break open Houses to steal. *Qui furandi causa dum
nos effringunt, vel se e carcere proripiunt;* *Eti-
am quis scrima expoliavit.* MS.

Egyptians, (*Egyptiani*) Are, in our Statutes, a Counterfeit kind of Rogues; who, being English or Welsh People, disguise themselves in strange habits, smearing their faces and bodies, and framing to themselves an unknown Canting Language, wander up and down; and, under pretence of Telling Fortunes, Cutting Diseases, and such like, abuse the Common-people, by stealing all that is not too hot, or too heavy for their carriage. *Anno 1 & 2 Phil. & Ma. ca. 4.* *Anno 5 Eliz. ca. 20.* These are like those whom the Italians call *Cin-
gari*.

Ejectione custodiz, *Ejectment de gard*, Is a Writ, which lay properly against him that did cast out the Gardian from any Land, during the Minority of the Heir. *Reg. of Writs*, fol. 162. *Fitz. Nat. Br.* fol. 139. There are two other Writs not unlike this, the one termed *Droit de gard*, or, Right of gard; the other *Ravish-
ment de gard*, which see in their places.

Ejectione firma, Is a Writ, which lies for the Leissee for years, who is ejected before the expiration of his term, either by the Lessor, or a stranger. *Reg. of Writs*, fol. 227. *Fitz. Nat. Br.* fol. 220. See *Quare ejicit infra ter-
minum*, and *New Book of Entries*, verbo *Ejectio-
ne firma*.

Eigne, (French, *Aisne*,) Eldest, First-born. As Bastard *eigne & mulier pusne*. *Litt. Scit.* 399. See *Mulier*.

Einecia, (borrowed of the French, *Aisne* i. *Primumenatus*,) signifies Eldership. *Stat. of Ireland*, 14 Hen. 2. Of this read *Skene*, verbo *Eneya*. And see *Eſneycy*. — *Eyniciam filiam suam maritare*; to Marry his eldest Daughter.

Eire, alias **Eyre**, (from the old French word *Erre*. i. *Iter*, as a grand erre. i. magnis itineribus,) Signifies the Court of Justices Itinerant; For *Justices in Eyre* are those whom *Bratton* in many places calls *Justiciarios Itine-
rantes*. The *Eyre of the Forest* is the Justice Seat, otherwise called; which, by ancient Custom, was held every three years by the Justices of the Forest, journeying up and down to that purpose. *Bratton. lib. 3. Tract. 2. ca. 1 & 2. Britton. ca. 2. Cromp. Jur. fol. 156. Manswood par. 1. pa. 121.* Read *Skene*, verbo *Iter*; whereby, as by many other places, you may see great affinity between these two Kingdoms in the Administration of Justice and Government. See *Justice in Eyre*.

Election, (*Electio*) Is, when a Man is left to his own Free-will, to take or do one thing or another, which he pleaseth. In case an *Elec-
tion* be given of two several things, he who is

the first agent, and ought to do the first act, shall have the *Election*: As if a man make a Lease, rendring a Rent, or a Robe, the Lessee shall have the *Election*, as being the first agent, by payment of the one, or delivery of the other. *Coke on Litt. pa. 144. b.*

Election de Clerk, (*Electio clericorum*) Is a Writ that lies for the choice of a Clerk, assign'd to take and make Bonds, called Statute-Merchant; and is granted out of the Chancery, upon suggestion, that the Clerk formerly Assign'd is gone to dwell in another place, or hath impediments to follow that business; or, not Land sufficient to answer his transgression, if he should deal amiss, &c. *Fitz. Nat. Br. fol. 164.*

Elegit, (from the words in it *Elegit sibi li-
berari*,) Is a Writ Judicial, and lies for him that hath recover'd Debt or Damages, or upon a Recognizance in any Court, against one not able in his Goods to satisfy, and directed to the Sheriff, commanding him to make delivery of half the Parties Lands, and all his Goods; Oxen and Beasts for the Plough excepted. *Old. Nat. Br. fol. 152. Reg. of Writs*, fol. 299, and 301. and the Table of the Reg. *Judicial*, which expresseth divers uses of this Writ. The Creditor shall hold the Moity of the said Land so delivered to him, till his whole Debt and Damages are satisfy'd; and, during that term he is Tenant by *Elegit*. *Westm. 2. cap. 18.* See *Coke on Litt. fol. 289. b.*

Elk, A kind of Ewe to make Bows, *Anno 33 Hen. 8. ca. 9.*

Eloine, (from the French, *Eloigner*; to remove, banish, or send a great way from.)— If such as be within Age be Cloined, so that they cannot Sue Personally, their next Friends shall be admitted to Sue for them. *Anno 13 Edw. 1. ca. 15.*

Elopement, Is, when a Marryed Woman of her own accord departs from her Husband, and lives with an Adulterer; whereby, without voluntary submission, or reconciliation to her Husband, she shall lose her Dower, by the Stat. of *Westm. 2. ca. 34.* according to this old Dy-
stich,

*Sponsa virum mulier fugiens, & Adultera facta,
Dote sua carcat, nisi sponsa sponte retrahit.*

A Woman, thus leaving her Husband, is said to *Elope*, and her Husband in this case shall not be compell'd to allow her any Alimony. See *Alimony*. I am perswaded the word is taken from the Saxon *glecjan*. i. To depart from one place to dwell in another, the Saxon p. being easily mistaken for a p.

Emblements, (from the French, *Embla-
vence de bled*. i. Corn sprung, or put up above ground,) Signifies strictly the Profits of Land which has been Sowed; but, the word is sometimes used more largely, for any Profits that arise and grow naturally from the Ground, as Gras, Fruit, Hemp, Flax, &c. If Tenant for Life, sow the Land and die, his Executor shall have

have the *Emblements*, and not he in reversion; But, if Tenant for years sow the Land, and before severance the term expires, there the Lessor, or he in reversion shall have the *Emblements*, and not the Lessee. *Vide Coke lib. 11. fol. 51.*

Embraceor, (*Anno 19 Hen. 7. ca. 13.*) Is he, that, when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties, (having receiv'd some Reward so to do,) and speaks in the Case, or privately labors the Jury, or stands there to survey, or over-look them, whereby to awe, or put them in fear. The Penalty whereof is 20*l.* and Imprisonment at the Justices discretion, by the said Statute.

Embracer, Is the Act or Offence of *Embraceors*. To instruct the Jury, or promise reward for, or before appearance, is *Embracy*. *Noy's Rep. fol. 102.*

Embre, or **Embring-dayes**, (*Anno 2 & 3 Edw. 6. ca. 19.*) Are those, which the ancient Fathers called *Quatuor tempora*, and are of great Antiquity in the Church, being observed on Wednesday, Friday and Saturday next after *Quadragesima Sunday*, *Whitunday*, *Holy-rose day* in September, and St. Lucy's day in December; and, are so called from the Saxon ymb-*ßen*. i. *cursus vel circulus*; because constantly observ'd at set seasons in the course or Circuit of the Year. They are mention'd by Britton, ca. 53. and others. In 3 Part. *Inst. fol. 200.* it is said, *These Embring dayes are the week next before Quadragesima*, which is a great mistake.

Emendals, (*Emenda*,) Is an old word, still used in the Accounts of the *Inner-Temple*; where, so much in *Emendals* at the foot of an Account, signifies so much in the Bank or Stock of the House, for Reparation of Losses, or other emergent occasions; *Quod in restauracionem danni tribuitur*, says Spelman.

Empanel, (*Ponere in Affissis & Juratis*,) Signifies the Writing and Entring the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, whom he has Summ'd to appear for the performance of such Publick Service, as Juries are employ'd in. See *Panel*.

Empariance, (From the French, *Parler*, to speak,) Signifies a Desire or Petition in Court of a Day to pause, what is best to do; (*the Civilians call it, Petitionem induciarum.*) Kitchin, (fol. 200.) says, *If be imparl, or pray continuance, &c.* where *praying continuance* is spoken interpretatively; and fol. 201. mentions *impariance general* and *special*; The first seems to be that, which is made only in one word, and in general terms: *Empariance special*, where the Party requires a Day to deliberate; adding also these words, *Salut omnibus advantagis tam ad jurisdictionem Curie, quam ad breve & narrationem — or such like.* Britton useth it for the conference of a Jury upon the Cause committed to them, ca. 53. See *Impariance*.

Encheson, (French,) Signifies occasion, cause, or reason, wherfore any thing is done. *50 Ed. 3. ca. 3.* See *Skene in hoc verbum*.

Encroachment, or **Accroachment**, (Fr. *Accrochement*. i. A grapping, or hooking,) Signifies an unlawful encroaching, or gathering in upon another man; As, if two mens Grounds lying together, the one presleth too far upon the other; or, if a Tenant owe two shillings Rent-service, and the Lord exacts three. So *Hugh and Hugh Spencer encroached unto them Royal Power and Authority.* *Anno 1 Edw. 3. in Proam.*

Enditement, (*Indictamentum*, from the French, *Enditer*. i. *Defere nomen aliquujus*,) Is a Bill or Declaration drawn in form of Law, for the benefit of the Common-wealth, and exhibited by way of Accusation against one for some offence, either Criminal or Penal, and preferred unto Jurors, and, by their Verdict found, and Presented to be true before a Judge or Officer that has power to punish, or certifie the Offence. An *Inditement* is alwayes at the Suit of the King, and differs from an Accusation in this, That the Preferre of the Bill is no way tied to the Proof of it, upon any Penalty, except there appear conspiracy. See *Stamf. pl. Cor. lib. 2. ca. 23. usq; 34.* *Enditements of Treason*, and of all other things ought to be most curiously and certainly penned. *Coke 7. Rep. Calvins Case.* The day, year and place must be put in. See the Stat. 37 Hen. 8. ca. 8. And 3 Part. *Inst. fol. 134.*

Endowment, (*Dotatio*,) Signifies the bestowing or assuring of a Dower. See *Dower*. But, it is sometimes used Metaphorically, for the setting forth or severing a sufficient portion for a Vicar towards his perpetual maintenance, when the Benefice is appropriated. See *Appropriation*, and the Stat. 15 Rch. 2. ca. 6.

Endowment de la plus belle part, Is, where a man dying seized of some Lands holden in Knights-service, and other some in Soccage, the Widow is sped of her Dower, in the Lands holden in Soccage, as being the fairer or better part. Of which see *Littleton at large*, lib. 1. cap. 5.

Enfranchise, (French, *Enfranchir*,) To make Free, to Incorporate a man into any Society or Body Politic, to make one a Free Denizen.

Enfranchisement, (French,) Signifies the Incorporating a Man into any Society or Body Politick; For example, he that by Charter is made Denizen of *England*, is said to be *Enfranchised*; and so is he that is made a Citizen of *London*, or other City, or Burgeys of any Town Corporate; because he is made partaker of those Liberties that appertain to the Corporation, whereinto he is *Enfranchised*. So a Villain was *Enfranchised*, when he was made Free by his Lord.

Englecerie, **Englecherie**, or **Engleschye** (*Engleccria*) Is an old abstract word, signifying the being an Englishman. For example, if

a Man were privily slain or murdered, he was in old time accounted *Francigena*, (which comprehended every alien, especially *Danes*) until *Englecerie* was proved, that is, until it were made manifest, that he was an *Englishman*. *Braffon*, lib. 3. tract. 2. cap. 15. num. 3.

This *Englecerie*. (for the abuses and troubles that afterward were perceived to grow by it) was absolutely taken away, by Stat. 14 Edw. 3. cap. 4.

Enheritance. See *Inheritance*.

Entia pars. See *Esnecy*.

Enquest, Fr. (*Lat. Inquisitio*) Is especially taken for that *Inquisition* of Jurors, or by Jury, which is the most usual tryal of all Causes, both Civil and Criminal in this Realm. For in Causes Civil, after proof is made on either side, so much as each party thinks good for himself, if the doubt be in the fact, it is referred to the discretion of Twelve indifferent Men, impannelled by the Sheriff for the purpose; and as they bring in their Verdict, so Judgment passeth: For the Judge saith, the Jury findes the Fact thus, then is the Law (if their Verdict do not contradict it) thus, and so we judge. As to the *Enquest* in Causes criminal, see *Jury*, and see Sir Ibo. *Smith de Republica Angl.* lib. 2. cap. 19. An *Enquest* is either of Office, or at the Mise of the party. *Stamf. Pl. Cor.* lib. 3. cap. 12.

Entail (*Feudum talliatum*, Fr. *Entaille*, i. *infissus*) Is a Substantive Abstract, signifying Fee-tail or Fee entailed; that is abridged, curtailed, or limited, and tied to certain conditions. See *Fee* and *Tail*.

Entendement (Fr. *Entendement*) Signifies as much as the true meaning, intent, or signification of a Word, Sentence, Law, &c. See *Kinchin*, fol. 224. See *Intendment*.

Enterplede (Fr. *Entreplaider*) Signifies to discuss or try a Point incidentally falling out, before the Principal Cause can be determined. For example, Two persons being found Heirs to Land by two several Offices in one County, the King is brought in doubt, to which of them, Livery ought to be made; therefore before Livery be made to either, they must *Enterplede*, that is formally try between themselves, who is the right heir. *Stamf. Prerog.* cap. 12. See *Broke tit. Enterpledere*.

Entiertrie or Intertie (From the Fr. *Entiertri*, i. *Entireness*) The whole: Contradistinguished in our Books to *Moity*.

Entire Tenancy, Is contrary to *Several Tenancy*, and signifies a sole possession in one man, whereas the other signifies a joymt or common one in more. See *Broke Several Tenancy*. See *New Book of Entries*, verbo *Entier-tenancy*.

Entry (Fr. *Entree*, i. *Introitus, ingressus*) Properly signifies the taking possession of Lands or Tenements. See *Plowden*, *Affize of Freshforce in London*, fol. 93. b. It is also used for a Writ of Possession, for which see *Ingressus*; and read *West*, pa. 2. Symbol. iii. Recoveries, sect. 2, 3. who there shews for what it lies, and for

what not. Of this *Britton* in his 114 Chapter writes to this effect. The Writs of Entry favor much of the Right of Property. As for example, some are to recover Customs and Services, in which are contained these two words (*solet & debet*) as the Writs *Quo Jure, Rationabilibus Divisis, Rationabili Estoverio*, with such like. And in this Plee of Entry there are three degrees: The first is, where a Man demands Lands or Tenements of his own Seisin, after the term expired; the second is, where one demands Lands or Tenements, let by another, after the Term expired; the third, where one demands Lands or Tenements of that Tenant, who had Entry by one, to whom some Ancestor of the Plaintiff did let it for a Term now expired. According to which degrees, the Writs, for more fit remedy, are varied. And there is yet a fourth form, which is without degrees, and in case of a more remote Seisin, whereunto the other three degrees do not extend. The Writ in the second degree is called a Writ of Entry *In le Per*; in the third degree, a Writ of Entry *In le per & cui*; and in the fourth term without these degrees, it is called a Writ of Entry *In le post*; that is, after the Disseisin, which such a one made to such a one. And if any Writ of Entry be conceived out of the Right Case, so that one form be brought for another, it is abatable.

In these four degrees, are comprehended all manner of Writs of Entry, which are without certainty and number. Thus far *Britton*, by whom you may perceive, that those words *Solet & debet*, and those other, *In le per, in le per & cui*, and *In le Post*, which we meet with many times in Books shortly and obscurely mentioned, signifie nothing else but divers Forms of this Writ, applied to the Case, whereupon it is brought, and each Form taking its name from the words contained in the Writ. And of this read *Fitz. Nat. Br.* fol. 193.

This Writ of Entry differs from an *Affize*, because it lies for the most part against him, who entered lawfully, but holds against Law; whereas an *Affize* lies against him that unlawfully disseised; yet sometimes a Writ of Entry lies upon an Entrusion. *Reg. of Writs*, fol. 233. b. See the *New Book of Entries*, verbo *Entre Brevis*, fol. 254. col. 3. There is also a Writ of Entry in the nature of an *Affize*. Of this Writ, in all its degrees, see *Fleta*, lib. 5. cap. 34. & seq.

Entrusion (*Intrusio*) Is a violent or unlawful entrance into Lands or Tenements (void of a Possessor) by him that hath no right at all to them. *Braffon*, lib. 4. cap. 2. For example, a Man steps into Lands, the owner whereof lately died, and the right heir, neither by himself or others, hath as yet taken possession of them. See the difference between *Abator* and *Intruder*, in *Coke on Little*, fol. 277. Though the *New Book of Entries*, fol. 63. C. latines *Abatement* by this word *Intrusionem*. See *Abatement*, see *Disseisin*, and *Britton*, cap. 63. *Entrusion* is also taken for the Writ brought against

against an *Intruder*, which see in *Fitz. Nat. Br.* fol. 203.

Entrusion de Gard. Is a Writ, that lies, where the Infant within age, entred into his Lands, and held his Lord out. For in this Case, the Lord shall not have the Writ *De Communi custodia*, but this. *Old Nat. Br.* fol. 90.

Envoice. See *Invoice*.

Enure. Signifies to take place or effect, to be available. Example, A Release shall *Enure* by way of extinguishment. *Littleton, cap. Release.* And a Release, made to a Tenant for term of life, shall *Enure* to him in the Reversion.

Eques Auratus (Lat.) A Knight, so called, because anciently it was lawful for Knights only to beautifie and gild their Armor, and Caparisons for their Horses with Gold. *Fern's Glory of generosity*, pag. 102. *Eques Auratus* is not used in Law; but *Chivalier* or *Miles*. *Cokes 4 Inst. fol. 5.*

Equity (*Equitas*) Is the Correction or Qualification of the Law, generally made, in that part wherein it faileth, or is too severe. For, *Ad ea qua frequentius accident jura adaptantur*: As, where an Act of Parliament is made, That whatsoever does such a thing, shall be a Felon, and suffer Death, yet if a Madman, or an Infant of tender years do the same, they shall be excused. Breaking of Prison, is Felony, in the prisoner himself, by the Statute *De Frangentibus Prisonam*; yet if the Prison be on fire, and they within break Prison to save their lives; this shall be excused by the Law of Reason. So to save my life, I may kill another that assaults me.

Erminstreet. See *Watlingsstreet*.

Errant (*Eriens*) Is attributed to Justices of Circuit. *Pl. Cor. fol. 15.* and *Bailiffs at large*. See *Justices in Eyre*, and *Bailiff*. See *Eyre*.

Error (*Error*) Signifies more specially an Error in Pleading, or in the Proces. (*Broke, tit. Error.*) Whereupon, the Writ, which is brought for remedy of this over-fight, is called a *Writ of Error*, in Latin, *De Error Corrigendo*, thus defined by *Fitz. Nat. Br. fol. 20.* *A Writ of Error doth also lie to redress false Judgement given in any Court of Record, as in the Common Bench, London, or other City, having power (by the Kings Charter, or Prescription) to hold Plea of Debt or Trespass above xx. This is borrowed from the French practice, which they call Proposition d'Error; whereof you may read in *Gregorius de Appell.* pag. 36.* In what diversity of Cases this Writ lies, see the Statute of 27 Eliz. cap. 9. Reg. of Writs in the Table, and Reg. Judicial, fol. 34. There is likewise a Writ of Error to Reverse a Fine, *West, par. 2. Symbol. tit. Fines, 151. New Book of Entries, verbo Error.* For preventing Abatements of Writs of Error upon Judgments in the *Exchequer*, see 16 Car. 2. cap. 2. and 20 Eusdem, cap. 4. And for Redressing and Prevention of Error in Fines and Recoveries,

the Statute of 23 Eliz. cap. 3. for Inrolling them.

Errore corrigendo. See *Error*.

Escambio (from the Span. *Cambiar*, to change) Is a Licence granted to one, for the making over a Bill of Exchange to another over Sea. *Reg. of Writs*, fol. 194. a. For by the Statute of 5 Rich. 2. cap. 2. no Merchant ought to Exchange, or return Money beyond Sea without the Kings License.

Escape (from the Fr. *Eschapper*, i. *Effugere*) Signifies a violent or privy evaion out of some lawful restraint. For example, if the Sheriff, upon a *Capias* directed to him, take one, and endeavor to carry him to the Goal, and he by the way, either by violence or flight, breaks from him; this is called an *Escape*. *Stampf. lib. 1. cap. 6 & 27. Pl. Cor.* names two kindes of *Escape*; *voluntary* and *negligent*. *Voluntary*, is when one Arrests another for Felony, or other crime, and afterward lets him go: In which *Escape*, the party that permits it, is by Law guilty of the fault committed by him that escapes, be it Felony, Treason, or Trespass. *Negligent Escape* is, when one is Arrested, and afterward escapes against his will that arrested him, and is not pursued by fresh suit, and taken again, before the party pursuing hath lost the sight of him. Read *Cromptons Justice*, fol. 36.

Exchange or Escambi (*Escambium*) —*Hanc terram cambiavit Hugo Briccino quod modo tenet Comes Moriton, & ipsum Scambium valet duplum.* *Domesday.* See *Exchange*.

Escheat (*Eschaeta*, from the Fr. *Escheoir*, i. *cadere, accidere*) Signifies any Lands, or other profits, that casually fall to a Lord within his Mannor, by way of Forfeiture, or by the Death of his Tenant, leaving no Heir general nor special; *Mag. Charta, cap. 31. Fitz. Nat. Br. fol. 143.* *T.* *Escheat* is also used sometimes for the place or circuit, in which the King or other Lord hath *Escheats* of his Tenants. *Braffon, lib. 3. tract. 2. cap. 2. Pupilla oculi par. 2. cap. 22.* *Escheat* (thirdly) is used for a Writ, which lies, where the Tenant having Estate of Fee-simple in any Lands or Tenements holden of a Superior Lord, dies seised without Heir general or special: In which case the Lord brings this Writ against him that possesseth the Lands, after the death of his Tenant, and shall thereby recover the same in lieu of his services. *Fitz. Nat. Br. fol. 144.* In the same sense, as we say, The Fee is *Escheated*, the Feudists use *Fendom Aperitur*. See *Coke on Littl. fol. 92. b.*

Escheator (*Escautor*) Was an Officer (appointed by the Lord Treasurer) who observed the *Escheats* due to the King in the County, whereof he was *Escheator* and certified them into the *Chancery* or *Exchequer*, and found Offices after the Death of the Kings Tenants, which held by Knights-service in *Capite*, or otherwise by Knights-service; he continued in his Office but one year, nor could any be *Escheator* above once in three years, *Anno 1 H. 8. cap.*

cap.8. & 3 Eiusdem, cap. 2. See more of this Officer, and his Authority, in *Crom. Just. of Peace.* Fitzherbert calls him an Officer of Record, *Nat. Br. fol. 100.* because that which he certified by virtue of his Office, had the credit of a Record. *Officium Escatoria,* is the Escheatorship. *Reg. of Writs, fol. 259. b.* This Office, having its chief dependence on the Court of Wards, is now, in a manner, out of date. See 4 *Inst. fol. 225.*

Eshequer (*Scaccarium, from the Fr. Eschequier, i. Abacu, tabula lusoria*) Is a Court of Record, wherein all Causes touching the Revenue of the Crown, are heard and determined, and wherein the Revenue of the Crown is received. *Pol Virgil, lib. 9. Hist. Angl.* says, the true word in Latin is *Statarium*, and by abuse called *Scaccarium*. *Camden in his Britan. pa. 113.* saith, This Court, or Office, took name *A Tabula ad quam Assidabant,* the Cloth which covered it, being parti-coloured or Chequered. We had it from the Normans, as appears by the *Grand Cusummary, cap. 56.* where it is thus described, The Eschequer is called an Assembly of High Justiciers, to whom it appertains to amend that which the Bailliffs, and other Inferior Justiciers, have misdone, and unadvisedly judged, and to do right to all men without delay, as from the Princes Mouth.

This Court consists of two parts, whereof one is conversant, especially in the Judicial Hearing and Deciding all Causes pertaining to the Princes Coffers, anciently called *Scaccarium Computorum*; the other is called the Receipt of the Exchequer, which is properly employed in the receiving and payment of Money. The Officers belonging to both these, you may finde named in *Cam. Brit. cap. Tribunalia Angliae,* to whom I refer you. The Kings Exchequer, which now is settled at Westminster, was in divers Counties of Wales. *Anno 27 Hen. 8. cap. 5. & 26.* See *Orig. Juridicale, fol. 49.* and 4 *Part. Inst. fol. 103.*

Escuage (*Scutagium, from the Fr. Escu, i. a Buckler or Shield*) Signifies a kinde of Knights-service, called *Service of the Shield*; the Tenant, holding by it, was bound to follow his Lord into the *Scotish* or *Welsh* Wars, at his own charge. For which see *Chivalry.* *Escuage* is either *uncertain* or *certain.* *Escuage uncertain,* is properly *Escuage* and Knights-service, being subject to Homage, Fealty, and (heretofore) Ward and Marriage; so called, because it was *uncertain* how often a man should be called to follow his Lord into those Wars, and what his charge would be in each journey. *Escuage certain,* is that which yearly pays a certain Rent in lieu of all Services, being no further bound, then to pay his Rent, be it a Knights Fee, half, or the fourth part of a Knights Fee, according to the quantity of his Land; and this loseth the nature of Knights-service, though it hold the name of *Escuage*, being in effect *Socage.* *Fitz. Nat. Br. fol. 84.* This is taken away and discharged by *Act of Parliament,* 12 *Car. 2. cap. 24.* See *Capite.*

Eskippeson. Shipping. *Ceste Endenture faite parentre lui noble bone Mons. Thomas Beauchamp Counte de Warwyke d'unc parte & John Russell Escuier d'autre partie, Tesmoigne, &c. Et que le dit John aura Eskyperoun covenable pour son passage & repassage oultre mecr, as custages le dit Counte, &c. done a Warwyke. 2 Jan. 50 Edw. 3.*

Eſtacy (*Asſencia, Fr. Asſenſie, i. Dignitas Primogeniti*) Is a Prerogative allowed the eldest Coparcener to chuse first after the Inheritance is divided. *Fleta, lib. 5. cap. 10. seqq. In Dicitonem. Salvo capitali Mesuago primogenito Filio pro dignitate Asſencia sua.* *Glanv. lib. 7. cap. 3. Jus Esencia, i. Jus Primogenitura.* In the Statute of Marlbridge, *cap. 9.* it is called *Initia pars Hereditatis.* See *Coke on Littl. fol. 166. b.*

Eſples (*Explatio, from Explere*) Are the full Profits, which the Ground or Land yields, as the Hay of the Meadows, the Feed of the Pasture, the Corn of the Arable, the Rents, Services, and such like Issues. The Profits comprised under this word, the Romans properly call *Accessiones.*

Note, that in a Writ of Right of Land, Adbowson, or such like, the Demandant ought to alleage in his Count, That he or his Ancestors took the *Eſples* of the thing in demand, else the Pleading is not good. *T. Ley.*

Eſperbarius, and Sparbarius (*Fr. Eſpervier, i. A Spar-Hawk. Char. Foresta, cap. 14. — Redd. solut. Willielmo Talboys Arm. ad Manerium suum de Kyme pro omnibus serviciis secularibus unum Espervarium vel 2 s. per annum ad Festum Sancti Mich. &c. Comput. Davidis Gefferton Collect. Redd. de Wragby. Anno 35 Hen. 6. — Dicunt quod Ricardus de Heribull die quo obiit tenut Manerium de Poley in Com. War. in Dominico suo ut de feodo per fidelitatem & servitium unius Espervarii vel 2 s. ad Festum S. Jacobi, &c. Esc. de Anno 19 Edw. 2. num. 53.*

Elquier, Was originally he, who attending a Knight in time of War, did carry his *Shield*, whence he was called *Escuier* in French, and *Scutifer* or *Armiger* in Latin: Howbeit this Addition hath not of long time had any respect at all to the Office, or employment of the person to whom it hath been attributed, but been merely a title of dignity, and next in degree below a Knight. Those to whom this title is now of right due, are, All the Younger Sons of Noblemen, and their Heirs-male for ever: The Four *Esquires* of the Kings Body; the *Eldest Sons* of all *Baronets*; so also of all *Knights of the Bath*, and *Knights Batchelors*, and their Heirs-male in the right Line: Those that serve the King in any *Worſhipful Calling* (to use *Candens* words) as the *Sergeant Chirurgeon*, *Sergeant of the Ewry*, *Master Cook*, &c. Such as are created *Esquires* by the King, with a Collar of S. S. of Silver, as the *Heralds* and *Serjeants at Arms*. The chief of some ancient Families, are likewise *Esquires* by Prescription; those that bear any Superior Office in the Commonwealth, as *High Sheriff* of any County, who retains the title of *Esquire* during his life, in respect of the

the great trust he has had, of the *Passe Comitatus*; He, who is a *Justice of Peace* has it, during the time he is in Commission, and no longer; if not otherwise qualify'd to bear it: Utter *Barristers*, in the late Acts of Parliament for Pol-Money, were ranked among *Esquires*, and so were many wealthy Men, (by reason they were commonly reputed to be such,) and paid accordingly: In *Walsingham's History of Richard the Second*, we read of one *John Blake*, who is said to be *Juris Appenticius*, and has the Addition of *Sicuter* there given him; but, whether intituled thereto by reason of that his Profession, or otherwise, does not appear. See *Camd. Brit.* fol. 111. And 2 *Inst. fol. 595.*

A Principe fuit Armigeri vel scripto vel Symbolo vel munere. Scripto, cum Rex sic quenpiam constituerit. Symbolo, quam collum ergo alicuius argenteo sigmatico (hoc est torque ex SS consicis) adornaverit, eumve argenteis calcaribus ad disserimen equitum, qui aureis usi sunt donaverit. Tales in occidentali Anglia plaga (ut aliquando didici in conventu rei antiquae studiosorum) **White spurs** ditti sunt. Munere, cum ad manus quenpiam evocaverit, vel in Aula vel in Reipub. Armigero designatum: cuiusmodi multa hodie, patribus nostris incognita. Inter Armigeros qui fuit (non nascuntur) primarii habentur quatuor illi Armigeri ad Corpus Regis (*Esquires of the Body*); quos & Equitum filii primogeniti antepondens asserunt. Thus the Learned Spel, in whose *Glossarium* you may find mention of another species of *Esquires*, viz. **Squier born de quarter Cotes.**

Onibus — *Walterus de Pavely miles filius quondam Reginaldi de Pavely salutem. Novertiss me obligari Rogero Marmoni filio quondam Philippi Marmon omnibus diebus vita sua in una Roba cum pellura de scetis Armigerorum meorum annuatim ad Festum Nativitatis Domini percipiend. sine aliqua contradictione vel retrahitione mei vel heredum meorum aut assignatorum. Ad quam quidem solutionem Roba praedita cum pellura annuatim ad terminum supradictum fideliter persoluendum obligo me & heredes meos, bona & catalla nostra mobilia & immobilia ubicunque fuerint inventa in maneriis meis in Hundredo de Westbury existentibus vel extra; &c. sine dat.* Ex codice M. S. penes Gul. Dugdale Arm.

Essendi quietum de Tolonio, Is a Writ that lies for Citizens and Burgesseis of any City or Town that have a Charter or Prescription to exempt them from paying Toll through the whole Realm; if it chance that the same is anywhere exacted of them. *Fitz. Nat. Br.* fol. 226.

Essoin, (*Essonium*, from the Fr. *Essonie*, or *Exonne*. i. *Causarius miles*, he that has his presence forbore or excused upon any just cause, as sicknes or other impediment,) Sig-

nifies an alleagdement of an Excuse for him that is summon'd, or sought for to appear and answer to an Action real, or to perform Sute to a Court-Baron upon just Cause of absence: It is as much as *excusatio* with the *Civilians*. The causes that serve to *Essoin* any Man summon'd, are divers, yet drawn to five Heads, whereof the First is *ultra mare*; the Second, *de terra sancta*; the Third, *de malo veniendo*, which is also called the *common Essoin*; the Fourth is *de malo letti*; the Fifth *de servitio Regis*. For further knowledge of these, I refer you to *Glanvile*, lib. 1. *Bratton*. lib. 5. tract. 2. per totum. *Britton*, ca. 122—125. and to *Horns Mirror*, lib. 7. ca. des *Essoins*, who mentions some more *Essoins*, touching the Service of the King Celestial, then the rest do. Of these *Essoins* you may read further in *Fleta*, lib. 6. ca. 8. & seq. and, that these came to us from the Civil-Lawes and the Normans is well shewed by the *grand Customary*, where you may find in a manner all that our Lawyers say of this matter, ca. 39. to 45.

Essoins and Profers, *Anno 32 Hen. 8. ca. 21. See Profer.*

Essonio de malo letti, Is a Writ directed to the Sheriff, for sending four lawful Knights to view one that has *Essoined* himself *de malo letti*. *Reg. of Writs*, fol. 8. b.

Establishment of Dower, Seems to be the assurance or settlement of *Dower*, made to the Wife by the Husband, or his Friends, before or at Marriage. And *Assignment* is the setting it out by the Heir afterwards, according to the *Establishment*. *Britton*, ca. 102, 103.

Standard, or Standard, (Fr. *Estandart*. i. *Signum, vexillum*,) An Ensign for Horsemen in War, and is commonly that of the King, or Chief General: But, it is also used for the Principal or *Standing-Measure* of the King, to the scantling whereof all the Measures throughout the Land, are, or ought to be framed by the Clerks of the Market, Aulneger, and other Officers, according to their several Offices; For it was established by *Magna Charta*, 9 Hen. 3. ca. 9. **That there should be but one scantling of Weights and Measures throughout the whole Realm**; which was confirm'd by the Stat. 14 Edw 3. ca. 12. From henceforth there shall be one Weight, one Measure, and one Pard, according to the *Standard* of the *Exchequer* throughout all the Realm. 17 Car. 1. ca. 19. It is called a *Standard* with good reason, because it stands constant and immovable, and hath all other Measures coming towards it for their Conformity, as Soldiers in the field have their *Standard* or Colours to repair to. Of these Measures read *Britton*, ca. 30.

Estate, (Fr. *Estat*. i. *Conditio*,) Signifies especially that Title or Interest which a Man hath in Lands or Tenements, as *Estate simple*, otherwise called *Fee simple*, and *Estate conditional*, or upon condition, which is (according to *Litt. lib. 3. ca. 5.*) either upon *Condition in Deed*, or upon *Condition in Law*; The first is,

where a Man by Deed indentured, infeoffed another in Fee, reserving to him and his heirs yearly a certain Rent, payable at one Feast or at divers, upon condition, that if the Rent be behind, &c. it shall be lawful for the Feoffee and his heirs to enter—*Estate upon condition in Law*, is such, as hath a *Condition in Law* annexed to it, though it be not specified in writing: For example, if a Man grant to another by his Deed, the Office of a Parker, for life; This Estate is upon *condition in the Law*, or imply'd by Law, viz. If the Parker so long shall well and truly keep the Park, &c. We read also of an *Estate particular*, which is an Estate for life, or for years. *Perkins, Surrenders* 581.

Sterling. See *Sterling*.

Estopel, (from the Fr. *Esouper*. i. *Oppilare, Obsipare*.) Is an impediment, or bar or an Action, growing from his own Fact, who hath, or otherwife might have had his Action; For example, a Tenant makes a Feofinment by collusion to one, the Lord accepts the Services of the Feoffee, by this he debars himself of the Wardship of his Tenants heir. *Fitz. Nat. Br. fol. 142. k.* And *Broke, hoc titulō*. *Coke lib. 2. Casu Goddard*, defines an *Estopel* to be a bar or hindrance to one to plead the truth, and restrains it not to the impediment given a man by his own act only, but by others also. *Lib. 3. Case of Fines, fol. 88.* There are three kinds of *Estopel*, viz. By matter of Record, by matter in Writing, and by matter in *Pausis*; Of which see *Coke on Litt. fol. 352. a.*

Estopers, (from the Fr. *Estopier*, i. *Fovere*,) Signifies nourishment, or maintenance: *Bronson. lib. 3. tract. 2. ca. 18. num. 2.* uses it for that sustenance, which a man, apprehended for Felony, is to have out of his Lands or Good; for himself and his Family, during his Imprisonment; And the *Stat. 6 Ed. 1. ca. 3.* useth it for an allowance in meat or cloth. It is also used for certain allowances of Wood, to be taken out of another Mans Woods; *Westm. 2. ca. 25. 20 Car. 2. ca. 3. West. pa. 2. Symbol. tit. Fines. Sect. 26. fayes, Estovers comprehends House-bote, Hay-bote and Plow-bote;* As, if one hath in his Grant these general words, *De rationabili Estoverio in bosciū, &c.* He may thereby claim these three. In some Mannors the Tenants have Common of *Estovers*, that is, necessary Botes out of the Lords Woods, As at *Orelton in Com. Heref.* where the Tenants paid the Lord a Wood-hen yearly by way of Rent or Retribution for the same. *Rationabile Estoverium. See Alimony.*

Estray, (from the old Fr. *Estrayer*, Lat. *Extrahere*. *Pecus quid clausum a custode campus perverrat, ignoto Domino*.) Signifies any beast that is not wild, found within any Lordship, and not owned by any man; in which Case, if it be Cried according to Law in the next Market-Towns, and it be not claimed by the Owner within a Year and a day, it is the Lords of the Soil. See *Briston. ca. 17.* See *Estrays in the Forrest. Anno 27 Hen. 8. ca. 7. New Book of*

Entries, verbo, Trespas concernant Estray. The ancient Law of K. Inas was—*Diximus de ignotis pecoribus, ut nemo habeat sine testimonio Hundredi vel hominum Decennæ. i. Sextatorum Letæ. Spel.*

Estrat, (*Extraillum*,) Is used for the Copy or true Note of an Original Writing; and especially of Americaments, or Penalties set down in the Rolls of a Court, to be levied by the Bailiff or other Officer upon every Man for his Offence. See *Fitz. Nat. Br. fol. 57, & 76. And so it is used, Westm. 2. ca. 8.*

Clerk of the Estrats. See in *Clerk*.

Estrepe, (Fr. *Estrapicer*. i. *Mutilare*.) To make spoil by a Tenant for life in Lands or Woods to the prejudice of him in reversion.

Estrepenement, or Estrapament, (From the Fr. *Estrapicer*. i. *mutilare*,) Signifies spoil made by the Tenant for term of life upon any Lands or Woods to the prejudice of him in the Reversion, *Stat. 6. Edw. 1. ca. 13.* And, it may seem by the derivation, that *Estrapament* is properly the unreasonable soaking, or drawing away the heart of the Land, by Plowing and Sowing it continually, without Manuring, or other good Husbandry; And yet *Estrapicer* signifying *mutilare*, it may no less properly be applied to those that cut down Trees, or lop them farther than the Law allowes. It signifies also a Writ, which lies in two Cases, the one, when a Man, (having an Action depending, as a *Formdon, dum fuit infra statum, Writ of right*, or such like, wherein the Demandant is not to recover Damages,) sues, to inhibit the Tenant from making waste, during the Suit. The other is for the Demandant, who is adjudged to recover Seisin of the Land in question, and before Execution sued by the Writ *Habere facias possessionem*, for fear of waste to be made before he can get possession, sues out this Writ. See more in *Fitz. Nat. Br. fol. 60 & 67. Reg. of Writs, fol. 76.* And *Reg. Judic. fol. 33.* In ancient Records we often find *Vastum & Estrapamentum facere. Videlicet Estrapamentum gravius Vastum genus designare. Spel.*

Etheling, or Aetheling, in the Saxon signifies Noble, and it was (among our English Saxons) the title of the Prince, or Kings Eldest Son; as we read in *Camden*,

Edgar Aetheling England's dearling.

Eberwicshire, *Yorkshire*, anciently so called. *Willielmus Rex Anglia Thoma Archiepiscopo & Bertramo de Verdon & Baronibus suis Franci & Anglis de Eberwicshire, &c. Carta Will. Conq.*

Evidence, (*Evidentia*,) Is used generally for any proof, be it testimony of Men, Records, or Writings. Sir Ibo. *Smyth* hath these words, (*Lib. 2. c. 17.*) Evidence in this signification is Authentical Writings of Contracts, Written, Sealed, and Delivered. And (*lib. 2. ca. 23.*) speaking of the Prisoner that stands at the Bar to plead for his life, he says thus;

thus; Then he tells what he can say for himself; after him likewise all those, who were at the apprehension of the Prisoner, or, who can give any Inducies or Tokens, which we call in our language Evidence, against the Malefactor. It is called Evidence, because thereby the point in Issue is to be made evident to the Jury; probationes debent esse evidentes. i. Perspicua & faciles. See Coke on Litt. fol. 283.

Exactor Regis, The Kings Exactor; Qui publicas pecunias, tributa, rectigalia, & res fisco debitas exigit. Sometimes taken for the Sheriff. Hoc enim sensu, niger liber Scac. par. 1. c. ult. Tabulas, quibus riceveremus censem Regium colligit, Rotulam Exactorium vocatur.

Examiners in the Chancery, (Examinateres,) Are two Officers, that examin, upon Oath, Witnesses produced on either side, upon such Interrogatories as the Parties to any Suit do exhibit for that purpose; and sometimes the Parties themselves are, by particular Order, examined also by them.

Exambiatoe, Was antiently used for an Exchanger o: Land — ita quod unusquisque eorum qui dominus suus in aliquo casu contingente, quod Exambiator refundat dampna, miseras & expensas quicunque casu proveniente. Ex libro Cartarum Priorat. Leominstr. de anno 2 Edw. 2.

Exception, (Exceptio,) Is a stop or stay to an Action, being used in the Civil and Common Law both alike, and in both divided into dilatory and peremptory. Of these see Bratton, lib. 5. Tract. 5. per totum. And Britton, ca. 91, 92.

Exchange, (Cambium vel excambium,) Is used peculiarily for that compensation, which the Warrantor must make to the Warrantee, value for value, if the Land warranted be recovered from the Warrantee. Bratton lib. 2. ca. 16. and lib. 1. cap. 19. It signifies also generally as much as permutatio with the Civilians, as the Kings Exchange, Anno 1 Hen. 6. ca. 1 & 4. — 9 Ed. 3. Stat. 2. ca. 7. which is the place appointed by the King for exchange of Plate or Bullion for the Kings Coyn. These places have been divers heretofore, as appears by the said Statutes; but, now there is onely one, viz. the Tower of London, conjoyned with the Mint; which, in time past, might not be, as appears by 1 Hen. 6. ca. 4.

Exchangeoegs, Are those that return Money beyond Sea by Bills of Exchange, which, (by the Stat. 5 Rich. 2. ca. 2.) ought not to be done without the Kings Licence. See **Excambiator**.

Exchequer. See **Eschequer**.

Excise, Is a Charge, or Imposition laid upon Beer, Ale, Sider, and other Liquors within the Kingdom of England, Wales and Berwick, by Act of Parliament, 12 Car. 2. ca. 13. during the Kings life, and, according to the Rates in the said Act mentioned. See 13 Car. 2. ca. 13. — 13. ejusdem. 9. And 17 ejusdem, ca. 4.

Excommengement (Anno 23 Hen. 8. cap. 3.) Is in Law-French, the same with **Excommunication**.

Excommunication (Excommunicatio) Is a Censure inflicted by the Canon or Ecclesiastical Judge, depriving the person offending from the lawful Communion of the Sacraments, and sometimes of the liberty, or even conversing with the faithful. And it is divided, In majorē & minorem: Minor est per quam quis a Sacramento participatione conscientia vel sententia arctetur. Major, quæ non solum a Sacramentorum, verum etiam fidelium Communione excludit, & ab omni actu legitimo separat & dividit. Venatorius de Sent. Excom. Autoritate Dei Patris omnipotens & Filii & Spiritus Sancti; & beatæ Dei genitrici Marix, omniumque Sanctorum, Excommunicamus, Anathematizamus, & a limitibus sanctæ Matris Ecclesia sequestramus illos malefactores, N. consentaneos quoque & participes; & nisi respiciant, & ad satisfaktionem venerint, sic extinguitur lucerna eorum ante viventem, in sacula seculorum. Fiat, fiat. Amen. Ex Emendat. Legum Wil. Conqueror. in lib. vocat. Textus Roffensis.

Excommunicato Capiendo, Is a Writ directed to the Sheriff, for apprehending him who stands obstinately Excommunicated Forty days: For the contempt of such a one, not seeking absolution, may be certified or signified into Chancery, whence issueth this Writ, for the laying him up without Bail or Mainprise, until he conform himself. Fitz. Nat. Br. fol. 62. Anno 5 Eliz. cap. 23. and Reg. of Writs, fol. 65.

Excommunicato Deliberando, Is a Writ to the Under-Sheriff for Delivery of an Excommunicate person out of prison, upon Certificate from the Ordinary of his Conformity, to the Jurisdiction Ecclesiastical. Fitz. Nat. Br. fol. 63. Reg. of Writs, fol. 67.

Excommunicato Recipiendo, Is a Writ, whereby persons excommunicate, being for their obstinacy committed to prison, and unlawfully delivered thence, before they have given caution to obey the Authority of the Church, are commanded so to be sought for, and laid up again. Reg. of Writs, fol. 67. 4.

Executione Facienda, Is a Writ, commanding Execution of a Judgment, the divers uses whereof, see in the Table of Register Judicial.

Executione facienda in Withernamium, Is a Writ that lies for the taking his Cattle, who formerly had conveyed out of the County the Cattle of another: So that the Bailiff, having authority from the Sheriff to Replevy the Cattle so conveyed away, could not execute his charge. Reg. of Writs, fol. 82. b.

Execution (Executio) Significat the last performance of an Act, as of a Fine or Judgment. **Execution of a Fine**, is the obtaining Actual Possession of the things contained in it, by vertue thereof, which is either by Entry into the Lands, or by Writ; whereof see West-

at large, *Par. 2. Symbol. tit. Fines, sect. 137.* Executing of Judgments, Statutes, and such like, see in *Fitz. Nat. Br. in Indice 2. verbo, Execution.* — *Coke* (*vol. 6. casu Blumfield, fol. 27. a.*) makes two sorts of *Executions*; one final, another with a *quousque*, tending to an end. An *Execution Final*, is that which makes Money of the Defendants Goods, or extends his Lands, and delivers them to the Plaintiff, which he accepts in satisfaction, and is the end of the Sute, and all that the Kings Writ commands to be done. The other Writ, with a *Quousque*, is tending to an end, but not final, as in the Case of *Capias ad Satuſaciendum, &c.* which is not final, but the Body of the party is to be taken, to the intent, to satisfie the Defendant; and his imprisonment is not absolute, but until he satisfie. *Idem, ibid.*

Executor (*Executor*) Is he that is appointed by any Mans last Will and Testament, to have the *Execution* thereof, and the disposing of all the Testators substance, according to the tenor of the Will. See the *Duty of Executors*, a Book so entituled.

Executor de son tort, Or of his own wrong, is he that takes upon him the Office of an Executor by intrusion, not being so constituted by the Testator, or deceased, nor (for want of such Constitution) constituted by the Ordinary to administer. How far he shall be liable to Creditors, see *43 Eliz. cap. 8. Dyer 166.* and the *Duty of Executors, cap. 14.*

Exemplification of Letters Patent (*An. 13 Eliz. cap. 6.*) Is a copy or example of Letters Patent, made from the Enrollment thereof, and sealed with the Great Seal of England; which Exemplifications are as effectual to be shewed or pleaded, as the Letters Patent themselves. Nothing but matter of Record ought to be exemplified. *3 Inst. fol. 173.* See *Pages Caf., 5 Rep.*

Exemplificatione, Is a Writ granted for the *Exemplification* of an *Original*. See *Reg. of Writs, fol. 290.*

Ex grabi Auerela, Is a Writ that lies for him, to whom any Lands or Tenements in Fee, (within a City, Town, or Borough, wherein Lands are devisable) are devised by Will, and the Heir of the Devisor enters, and detains them from him. *Reg. of Writs, fol. 24. Old Nat. Br. fol. 87.* See *Fitz. Nat. Br. fol. 198. L.*

Exhibit (*Exhibitum*) When any Deed, Acquittance, or other writing, is in a suit in Chancery exhibited to be proved by Witnesses, and the Examiner certifies on the back of it, that the Deed was shewed to such a one at the time of his Examination, this is there called an *Exhibit*. The word is mentioned *Anno 14 Car. 2. cap. 14.*

Exigendaries of the Common Bench (*Exigendarii de Banco Communis*) Are otherwise *10 Hen. 6. cap. 4.* called *Exigenters*, which *Vide.*

Exigent (*Exigenda*) Is a Writ that lies, where the Defendant in an Action Personal

cannot be found; nor any thing of his within the County, whereby to be attached or distrained, and is directed to the Sheriff, to proclaim and call him five County days one after another, charging him to appear under pain of Outlary. This Writ also lies in an Indictment of Felony, where the party indicted cannot be found. *Smith de Repub. Angl. lib. 2. cap. 19.* It is called an *Exigent*, because it exacteth the party, that is, requires his appearance or forth-coming to answer the Law; for if he come not at the last days Proclamation, he is said to be *Quinqües Exactus*, and then is *Outlawed*. *Cromp. Jurisd. fol. 188.* See the *New Book of Entries, verbo, Exigent.*

Exigenters (*Exigendarii*) Are four Officers of the Court of *Common Pleas*, who make all *Exigents* and Proclamations in all Actions, wherein Proceeds of Outlary lies, and Writs of *Supercedas*, as well as the Pronotaries, upon such *Exigents* as were made in their Offices. *18 Hen. 6. cap. 9.* But the making the Writs of *Supercedas*, is since taken from them by an Officer in the Court of *Common Pleas*, erected by King *James*, by his Letters Patent in the later end of His Reign.

Ex mezo motu (Lat.) Are formal words used in the Kings Charters, and Letters Patent, signifying, that he does what is contained therein *Of his own will and motion*, without Petition or Suggestion made by any other; and the effect of these words is to Bar all Exceptions, that might be taken to the Instrument, wherein they are contained, by alleging, that the Prince in passing such a Charter was abused by false suggestion. *Kitchin, fol. 352.*

Ex Officio By virtue of a Branch of the Stat. *1 Eliz. cap. 1.* the Queen, by Her Letters Patent might authorise any person or persons, &c. To administer an Oath *Ex Officio*, whereby the supposed Delinquent was compelled to confess, accuse or purge himself of any criminal matter, and thereby be made liable to censure or punishment, &c. The Branch of which Statute relating to the said Oath is repealed, *17 Car. 1. cap. 11.*

Exonerations Hecte, Was a Writ that lay for the Kings Ward to be disburdened of all suite, &c. to the County, Hundred, Leet, or Court Baron, during the time of his Wardship. *Fitz. Nat. Br. fol. 158.*

Ex Parte (Lat.) Partly, or of one part. In the Court of *Chancery* it hath this signification, A Joynt-Commission is that wherein both Plaintiff and Defendant joyn; A Commission *Ex parte*, is that which is taken out and executed by one *Party* only.

Ex parte talis, Is a Writ that lies for a Bailiff or Receiver, who, having Auditors assigned to hear his account, cannot obtain of them reasonable allowance, but is cast into Prison by them. *Fitz. Nat. Br. fol. 129.* The manner in this Case is, to take this Writ out of the *Chancery*, directed to the Sheriff, to take four Mainpernors to bring his Body before the Barons of the *Exchequer*, at a day certain, and

and, to warn the Lord to appear at the same time.

Expectant, Used with this word *Fee*, differs from *Fee-simple*; For example, Lands are given to a Man and his Wife in Frank-Marriage, To hold to them and their Heirs; In this case they have *Fee-simple*; But, if it be given to them and the heires of their body, &c. they have *Tail*, and *Fee-expectant*. *Kitekin*, fol. 153.

Explées. See *Espées*.

Expeditate, (*Expeditare vel expaaltare*.) In the Forest Laws signifies to cut out the Ball of great Dogs fore-feet, for preseruation of the Kings Game. Every one that keeps any great Dogs, not *expeditated*, forfeits three shillings to the King. The Ball of the foot of Mastiffs is not to be cut off, but the three Claws of the fore-foot to the skin. 4 Part: Inst. fol. 303.—*Nullus Dominicos canes Abbatis & Monachorum expaaltari cogat. Charta, Hen. 3. Abbatii de Radinc.* —& *sunt quieti de expeditamentis canum. Ex magno Rot. Pipe, de Anno 9 Ed. 2.*

Expenditoribz, (Anno 37 Hen. 8. ca. 11.) Seems to signify those that pay, disburse, or expend the Tax in the said Statute mentioned. Anno 7 Jac. ca. 20. Paymasters.

Expensis militum lebandois, Is a Writ directed to the Sheriff, for levying allowance for the Knights of the Parliament, Reg. of Writs, fol. 191. b.

Explorator, A Scout.—*In memoriam Henr. Croft Equitis aurati Exploratoris in Hibernia generalis, qui obiit Anno 1609.* Scouting-starter-general. Also a Huntsman or Chaser.—*Idem Abbas habens Exploratores suos statim ponere fecit retia, &c.* In Itin. Pickering, 8 Ed. 3. Rot. 4.

Extend, (*Extendere*) To value the Lands or Tenements of one bound by Statute, &c. that has forfeited his Bond, to such an indifferent rate, as by the yearly rent, the Creditor may in time be paid his Debt; The course, and circumstances of this see in *Fitz. Not. Br.* fol. 131.

Extendi facias, Is ordinarily called a *Writ of Extent*, whereby the value of Lands is commanded to be made and levied in divers cases, which see in the *Table of the Register of Writs*.

Extent, (*Extenta*.) Sometimes signifies a Writ, or Commission to the Sheriff for the valuing of Lands or Tenements; Sometimes the Act of the Sheriff, or other Commissioner upon this Writ. *Broke tit. Extent.* fol. 313. An. 16 & 17 Car. 2. ca. 5.

Extinguishment, (from *Extinguo*.) Signifies an effect of *consolidation*; For example, if a Man have a yearly rent due to him out of my Lands, and afterwards purchase the same Lands, now both the property and rent are consolidated, or united in one possessor, and therefore the rent is said to be *extinguished*. So, where a Man has a Lease for years, and afterwards buys the property, this is a *consolidation* of the property of the Fruit, and an *Extinguishment*

of the Lease. And, if there be Lord, Mesne and Tenant, and the Lord purchase the Tenancy, then the Mesnalty is *extinct*; but, the Mesne shall have the surplusage of the Rent, if there be any, as *rent-seek*. *Terms ley*.

Extirpatione, Is a Writ judicial that lies against him, who, after a Verdict found against him for Land, &c. does maliciously overthrow any House, or extirpate any Trees upon it; And, it is two-fold; one *ante judicium*, the other *post judicium*. Reg. judicial. fol. 13. 56. 58.

Extortion, (*Extortio*) Is an unlawful or violent wringing of Money, or Money-worth from any Man. For example, if an Officer, by terrifying another in his Office, take more than his ordinary Fees or Duties, he commits, and is Indictable of this offence: To this, (in Wests Judgment,) may be refer'd the exaction of unlawful Usury, winning by unlawful games, and (in one word) all taking of more than is due, by color or pretence of right; as excessive Toll in Milners, excessive prizes of Ale, Bread, Victuals, Wares, &c. Part 2. Symb. Indictments Sect. 65.—*Manwood*, (Part 1. pa. 216.) sayes, *Extortion is color Officii, not virtute Officii*—*Crompton* (in his *Jusice of Peace*, fol. 8.) sayes; to this effect, Wrong done by any Man is properly a Trespass, but excessive wrong is called *Extortion*; and, this is most properly in Sheriffs, Mayors, Bailiffs, and other Officers whatsoever, who, by color of their Office, work great oppression and wrong to the Kings Subjects, in taking excessive Rewards or Fees, for executing their Office; In the same Author, fol. 48. you may see great diversity of Cases touching *Extortion*. See also 3 Part. Inst. fol. 149.

Extracts, See *Extracts*.

Eyre, See *Eire*.

Eyet, (*Insuletta*.) A little Island; I have seen it corruptly written in some modern Conveyances, *Eygt*.

F.

F. He that shall maliciously strike any person with a Weapon in Church or Churchyard, or draw any Weapon there with intent to strike, shall have one of his Ears cut off; and, if he have no Ears, then shall be marked on the Cheek with a hot Iron, having the Letter F. whereby he may be known for a *Fray-maker* or *Fighter*. Anno 5 & 6 Edw. 6. ca. 4.

Fabrick-Lands, Are lands given towards the maintenance, rebuilding or repair of Cathedrals, or other Churches, and mentioned in the Act of Oblivion. 12 Car. 2. ca. 8. In Antient time almost every one gave by his Will more or les to the *Fabrick* of the Cathedral or Parish-Church where he liv'd. —*In Dei nomine Amen. Dic veneris ante Festum Nativitatis Sancti Johannis Baptiste, Anno Dom. 1423. Ego Ricardus Smyth de Bromyard condo Testamentum meum in*

hunc modum, In primis lego animam meam Dico & beata Maria & omnibus sanctis, Corpusque meum speciem dolum in Cimiterio Beate Edburga de Bradway, Item lego Fabricio Ecclesie Cathedraleis Hereford. xii d. Item lego Fabricio Capella Beatae Mariae de Bromyard xi d. Item lego Fratribus de Woodhouse xx d. Residuum vero bonorum, &c. These Fabric-lands the Saxons called **Lymber-lopds.**

Faculty, (Facultas.) As it is restrained from the Original and Active signification, to a particular understanding in Law, is used for a priviledge or especial power granted to a man by favour, indulgence and dispensation, to do that, which by the Common-Law he cannot; as, to eat Flesh upon days prohibited, to Marry without Banes first asked, &c. *Anno 28 Hen. 8. ca. 16.*

The Court of Faculties belongs to the Archbishop of Canterbury, and his Officer is called **Magniter ad facultates;** his power is to grant Dispensations, as, to Marry, to eat Flesh on days prohibited; the Son to succeed the Father in his Benefice; one to have two or more Benefices incompatible, &c. This Authority was given by the Statute 25 Hen. 8. ca. 21. See 4 Part. Inst. fol. 227.

Faunt, alias Feint Action, (Fr. feint.) Is as much as **Fained-Action;** that is, such an Action, as albeit the words of the Writ be true; yet, for certain causes, he has no Title to recover thereby; And, a **false action** is, where the words of the Writ are **false.** *Coke on Inst. fol. 261.* yet sometimes they are confounded.

Faint-Pleader, (from the Fr. Feinte, Falsus.) Signifies a false, covetous or collusive manner of pleading, to the deceit of a third party, 34 & 35 Hen. 8. ca. 24.

Fair-pleading. See **Beaufeder.**

Faitours, (a French word, antiquated, or somewhat traduced; for, the modern French is Faiseur. i. Factor.) Is used in the Stat. 7 R. 2. ca. 5. in the evil part, signifying a bad Doer; or, it may not improbably be interpreted an idle Liver, taken from *faictardise*, which signifies a kind of nun or sleepy Disease, proceeding of too much sluggishness, which the Latines call *Veternus*: For, in the said Statute it seems to be a *Synonyman* with *Vagabond.*

Falda, A Sheepfold. — *Et quod oves sint levantes & cubantes in propria falda Canonica-rum prædictorum.* Rot. cart. 16 Hen. 2. m. 6.

Faldage, (Faldagum.) Is a priviledge which many Lords anciently retaine to themselves, of setting up Sheep-folds, or Pens, in any Fields within their Mannors, the better to manure them; and this not only with their own, but with their Tenants Sheep, which is called *Setta-falda;* This Faldage is call'd in some places a *Fold-course*, or *Free-fold;* and, in some ancient Charters *Fald-soca.* i. *Liberias falda*, or *Libertas faldagii.* — *Rogerius Rusteng concessit Ecclesia B. Marie de Wimondham 40 acres terra in Scarnebrunc, cum dimidia Fald-soca, &c.* Char-tular Monasterialis Ecclesie prædict. pa. 48.

— *De Faldagio habendo ad ducentos bidentes, ad plus, in villa de Atchburgh, Mon. Angl.* 2 Par. fo. 275 v. a. in fol. 107. 1. 1. 1. 1. 1. 1.

Falesia, (Fr. Falaise.) A Bank, Hill, or down by the Sea-side. *Coke on Litt. fol. 5. b.*

Falkland, alias Folke-land. See *Copbold* and *Freehold.*

False Imprisonment, Is a Trespass committed against a man, by Imprisoning him without lawful cause; It is also used for the Writ brought upon this Trespass. *Fitz. Nat. Br. fol. 86. K. and 88. P. vide Broke, and New Book of Entries, verbo, False Imprisonment.*

False Prophecies. See *Prophecies.*

False returno brebium, Is a Writ lying against the Sheriff, for false returning of Writs. *Reg. judicior. fol. 43. b.*

Falsify, Seems to significie as much as to prove a thing to be *false.* *Perkins, Dower.* 383, 385. Alto to say or do falsly; as to falsify, or counterfeit the Kings Seal. *Rex — Vic. Lincoln.* *Sciatis quod dedimus Ada de Essex Clerico nostro, pro servicio suo, omnes terras & tenementa quae fuerunt Will. de Scrubby, cuius terra & tenementa sunt exacta nostra, per Ecclesiast. quam fecit de falsificatione Sigilli nostri.* *T. apud Lin. 28. Nou. Sec. Clauſ. 6 Joh. m. 2, in dorso.*

Familia, Pro hida, massa, manso, carucata. — *Danavis terram quinquaginta Familiarum ad construendum Monasterium.* *Beda Hist. Eccl. lib. 4 ca. 3.* This term *Hide*, is, by our Writers, sometimes called a *Manse*, sometimes a *Family*, sometimes *Carucata*, or a Plough-land; containing as much as one Plough and Oxen could cultivate in one year. *Cressy's Chyrch-Hist. fol. 723. b.* *Vbi Beda Familiam, Saxoniam eius interpres coartans passim hide redderet,* Anglo-Normanis Carucata terra. *Glos. in x. Script.*

Favaticks, (Anno 13 Car. 2. ca. 6.) Is used as a general name for *Quakers, Anabaptists, and other dissenters from the Church of England.*

Faonatio, or Feonatio, (from the Fr. Faonne,) a tawning, or bringing forth young, as does *Carta Foresta.* ca. 8.

Farding, or Farthing of Gold, (quasi fourth-thing.) was a Coin used in ancient times, containing in value the fourth part of a Noble, viz. xx d. Silver, and in weight the sixth part of an Ounce of Gold, that is, of 5 s. in Silver; mention'd 9 H. 5. Stat. 2. cap. 7. thus; Item, that the King do to be ordained good and just weight, of the Noble, half-Noble, and Farthing of Gold, with the rates necessary to the same, for every City, &c. Whereby it plainly appears to have been a Coin; as well as the Noble and half-Noble.

Faramman, (Sax. Fajan, to Travel.) A Merchant-Stranger, or Pilgrim; to whom, by the Lawes of Scotland, Justice ought to be done with all expedition, that his busnes or journey be not hinder'd.

Fardel of Land, (Fardella terra.) Is, according to some Authors, (the fourth part of

a Yard-land. Yet Noy, (in his compleat Lawyer, pa. 57.) fayes, Two Fardels of Land make a Nook, and four Nooks make a Yard-land.

Farding deal, (Sax. Feoplb. i. quarta & b., or bœle. pars.) alias Farundel of Land, (Quadrantata terra,) Signifies the fourth part of an Acre. Crom. Jur. fol. 220. Quadrantata terra is read in the Reg. of Writs, fol. 1. b. where you have also Denariata & obolata, solidata & librata terra, which must probably rise in proportion of quantity from the Farding-deal, as an half-penny, penny, shilling or pound rise in value; Then must Obolata be half an Acre. Denariata an Acre, Solidata twelve Acres, and Librata twelve score Acres; yet, I find Viginti libratas terra vel redditus, Reg. fol. 94. a. and fol. 248. b. whereby it seems Librata terra is so much as yields xx s. per annum, and Centum solidatas terrarum, tenementorum & redditum, fol. 249. a. And, in Fitz. Nat. Br. fol. 87.f. Viginti libratas terra vel redditus, which argues it to be so much Lands as twenty shillings per annum. See Furlong. Others hold Obolata to be but half a Pearch, and Denariata a Pearch. See Spelmans Gloss. verbo, Obolata terra. — Sciatius me Rogerum de Ickfeld dedisse — Medietatem unius Feorwendl terra de meo dominio, &c. Mon. Angl. 2 Pa. fo. 913. b.

Fare (Sax.) A voyage or passage; or the Money paid for passing by Water. Anno 2 & 3 Ph. & Ma. cap. 16.

Farley or Farleu, In the Manner of West Slapton in Com. Devon. if any Tenant die possessed of a Cottage, he is by the Custom to pay to the Lord six pence for a Farley. Which I suppose may be in Lieu of a Heriot. For in some Mannors Westward, they distinguish Farleu to be the best good, as Heriot is the best Beast payable at the Tenants death.

Farm (From the Sax. Feopling, i. Food.) Reditus est qui in elocandis prædiis Domino elocanti reservatur. See Ferm, and Spelm. Gloss. verbo, Firma.

Farthing of Land (Sax. Feoppling) Seems to be some great quantity, and to differ much from Fardingdeal: For I finde in a Survey Book of the Manner of West Slapton in Devonshire, entred thus. A. B. holds six Farthings of Land at 126 l. per annum. some hold it to be a Yardland. See Fardel, Fardingdeal, and Farding.

Fat or Ware, Is a great Wooden Vessel, which among Brewers and Maulsters, is used to measure Mault for expedition, containing a Quarter. Mentioned Stat. 1 Hen. 5. cap. 10. and 11 Hen. 6. cap. 8. It is likewise a Vessel or Pan of Lead, for the making of Salt, at Droitwich in the County of Worcester, whereof the several Owners or Proprietors do claim Estates of Inheritance and Burghership.

Fauitors (Anno 16 Rich. 2. cap. 5.) Favorers, supporters, or maintainers.

Fealty (Fidelitas, Fr. Feaute, i. Fides) Signifies an Oath taken, at the admittance of every Tenant, to be true to the Lord of whom

he holds his Land: And he that holds Land, by this only Oath of Fealty, holds in the freest manner; because, all that have Fees, hold per fidem & fiduciam, that is, by Fealty at the least. Smith de Repub. Engl. lib. 2. cap. 8. This Fealty is also used in other Nations, as in Lombardy and Burgundy. Cassaneus de custud. Burgund. pag. 419. And indeed, as the very first creation of this tenure grew from the love of the Lord towards his Followers; so did it bind the Tenant to Fidelity, as appears by the whole course of the Feuds; and the breach thereof, is loss of the Fee. Hotoman in his Commentaries, de verbis Feudalibus, shews a Double Fealty, one general, to be performed by every Subject to his Prince; the other special, required only of such, as in respect of their Fee, are tied by this Oath towards their Land-lords; we may read of both in the Grand Cusumany of Normandy, &c.

Fealty special is with us performed, either by Freeman or by Villains; the form of both fees, Anno 17 Edw. 2. in these words, When a Freeman shall do Fealty to his Lord, he shall hold his right hand upon a Book, and shall say thus, Hear you my Lord R. that I. P. shall be to you, both faithful and true, and shall owe my Fealty to you for the Land that I hold of you, at the terms assigned. So help me God, and all his Saints. When a Villain shall do Fealty to this Lord, he shall hold his right hand over the Book, and say thus, Hear you my Lord A. that I. B. from this day forth, unto you shall be true and faithful, and shall owe you Fealty, for the Land that I hold of you in Villanage, and shall be justified by you, in Body and Goods: So help me God, and all his Saints. See Reg. of Writs, fol. 302. a. Fidelitas est fidei, obsequi & servitii ligamen, quo generaliter subfidiis Regi, particulariter vassallus domino astringitur. Spel.

Fee (Feodium alias Feudum) Is applied to all those Lands and Tenements, which we hold by perpetual right, and by an acknowledgment of any superiority to a higher Lord. Those that write of this subject, divide all Lands and Tenements, wherein a Man hath a perpetual estate to him, and his heirs, into Allodium and Feodium.

Allodium is defined to be every Mans own Land, &c. which he possesseth merely in his own right, without acknowledgment of any service or payment of any Rent to any other, and this is a property in the highest degree.

Feodium; is that which we hold by the benefit of another, and in the name whereof we owe Service, or pay Rent, or both, to a Superior Lord. And all our Land here in England (the Crown Land, which is in the Kings own hands, in right of His Crown excepted) is in the nature of Feodium, or Fee: For though many have Land by descent from their Ancestors, and others have dearly bought Land for their Money, yet is it of such nature, that it cannot come to any, either by descent or purchase, but with the burthen that was laid upon him, who

who had Novel Fee, or first of all received it, as a benefit from his Lord, to him, and to all such, to whom it might descend, or any way be conveyed. So that there is no Man that hath *Directum Dominium*, i. The very Property or Demain in any Land, but the Prince, in right of His Crown. *Cand. Britan.* pag. 93. For, though he that hath Fee, hath *Ius perpetuum & utile Dominium*, yet he ows a duty for it, and therefore it is not simply his own; which thing, I take those words, we use for the expressing our deepest Rights in any Lands or Tenements, to import; for he that can say most for his estate, saith thus, *I am seised of this, or that Land, or Tenement, in my Demain, as of Fee;* and that is as much, as if he had said, it is my Demain or Proper Land, after a sort, because it is to me and my heirs for ever, yet not simply mine, because I hold it in the nature of a benefit from another; yet the Stat. 37 Hen. 8. cap. 16. useth the word (Fee) of Lands invested in the Crown, but it proceeds from an ignorance of the nature of the word; for Fee cannot be without Fealty sworn to a Superior, as you may read partly in the word Fealty, but more at large in those, that write *De Feudis*; and namely Hotoman, both in his *Commentaries* and *Disputations*; since no Man may grant, that our King or Crown oweth Fealty to any Superior, but God only. And all that write *De Feudis*, hold, that *Feudatarius* hath not an entire property in his Fee.

Fee is divided into Fee absolute, otherwise called Fee-simple, and Fee-conditional, otherwise termed Fee-tail. Fee-simple (*Feudum simplex*) is that whereof we are seised *To us and our heirs for ever*. Fee-tail (*Feudum taliatum*) is that whereof we are seised, with limitation, to us, and the heirs of our Body; &c. Which Fee-tayle is both general and special; General is, where Land is given to a Man and the heirs of his body; the reason whereof is shewed by *Littleton*, lib. 1. ca. 2. because a Man seised of Land by such a gift, if he Marry one or more Wives, and have no issue by them, and, at length marry another by whom he hath issue, this issue shall inherit the Land. Fee-tayl special is that, where a Man and his Wife are seised of Lands to them and the heirs of their two bodies; because in this case, the Wife dying without issue, and he Marrying another by whom he hath issue, this issue cannot inherit the Land, being especially given to such heirs, &c. This Fee-tayl has Original from the Stat. of Westm. a.c. 1. Yet see *Braston*, lib. 2. ca. 5. num. 3. Item quodam absoluta & larga & quodam stricta & coarta, sicut certi heredibus. To whom add *Plowden casu*, *Willion*, fol. 235. For, before that Statute, all Land given to a Man and his heirs, either general or special, was accounted in the nature of Fee, and therefore held to be so firmly in him to whom it was given, that, any limitation notwithstanding, he might alienate it at his pleasure, *Coke on Litt.* fol. 19. for redress of which inconvenience the said Statute was made, whereby it is ordain'd,

that if a Man give Lands in Fee, limiting the heirs to whom it shall descend, with a reversion to himself or his heirs for default, &c. that the form and true meaning of his gift shall be observd. He that hath Fee then, holdeth of another by some duty or other which is called Service.

This word Fee is sometimes used for the compass or circuit of a Lordship or Mannor. *Braston* lib. 2. ca. 5. in eadew villa & de eadem Fœdo. Thirdly, It is used for a perpetual right incorporeal, as to have the keeping of Prisons in Fee. *Old Nat. Br.* fol. 41. Rent granted in Fee. *eadem* fol. 8. Sheriff in Fee. Anno 28 Ed. 1. Stat. 13. ca. 8. Lastly, Fee signifies a reward or ordinary duty given a man for the execution of his Office, or the performance of his industry in his Art or Science; As the Lawyer or Physician is said to have his Fee, when he hath the consideration of his pains taken, the one with his Client, the other with his Patient.

Fee expectant, Is by the Feudists termed *Feudum expectatum*. See *Expectant*.

Fee Farm, or *Fee Ferm*, (*Feudi firma vel fevferma*,) Is, when the Lord, upon creation of the Tenancy, reserves to himself and his heirs, either the rent, for which it was before letten to Farm, or at least a fourth part of that rent, 2 Part Inst. fo. 44. and, that without homage, fealty, or other services, other then are especially comprized in the Feoffment, but, by *Fitzb.* it seems the third part of the value may be appointed for the Rent, or the finding of a Chaplain to Sing Divine-Service, &c. Nat. Br. fol. 210. C. And, the Nature of it is this, That, if the Rent be behind, and unpaid for the space of two years, then the Feoffor or his heirs have Action to recover the Lands, as their Demesnes. *Britton*. ca. 66. num. 4. But observe out of *Wells Symbol.* part 1. lib. 2. Sect. 463. that the Feoffment may contain services and suite of Court, as well as rent: And, the Author of the *New Terms of Law* saith, That *Feeferm* oweth fealty, though not expresssed in the Feoffment, since Fealty belongs to all kinds of Tenures. See *Ferm*.

Felo de Re, Is he that commits Felony by murdring himself. See *Crom. Justice of P.* fo. 28. and *Lamb. Eiren.* lib. 2. ca. 7. The Saxons calld him *Selbana*, *Self-bane*.

Felony, *Felonie*, (Fr. *Felonie*.) Sir Edward Coke sayes, *Ideo dicta est Felonia, quia fieri debet felo animo*, lib. 4. fol. 124. b. We account any offence Felony that is in degree next *Pest* *Treason*, and compriseth divers particulars, as *Murder*, *Theft*, *Killing ones self*, *Sodomy*, *Rape*, *Willful burning of Houses*, and divers such like, which are to be gathered especially out of the Statutes, whereby many offences are daily made Felony, which were not so before. Felony is discerned from lighter offences, in that the punishment thereof is death; yet not always; For *petit Larceny*, (which is the stealing any thing under the value of twelve pence) is Felony, as appears by *Broke tit.* *Coron.* num. 2;

his reason is, because the Inditement against such a one must run with these words, *Felonice cepit, yet not punished by Death, though it be loss of Goods.* Other exception I know not, but that a Man may call that *Felony*, which is under *Petit-Treasur*, and punished by death: Of this there are two sorts, one lighter, which, for the first time, may be relieved by *Clergy*, another that may not; which, may also be known by the Statutes; for, *Clergy* is allowed where it is not expressly taken away. Of this read *Stamf. pl. Cor. lib. 1.* (but many offences are made *Felony* by Statute since he wrote,) and *Lamb. Justice of P. lib. 2. ca. 7.* in a Table drawn for the purpose. *Felony* is also punished by loss of Lands not intailed, and Goods and Chattels, both real and personal; yet the Statutes make difference in some cases concerning Lands, as appears by *37 Hen. 8. ca. 6.* *Felony* ordinarily works corruption of Blood, unless a Statute, ordaining an Offence to be *Felony*, says, It shall not corrupt the Blood; As *39 Eliz. c. 17.*

Feme cobert, (Fr.) a Marryed Woman, (*Anno 27 Eliz. ca. 3.*) who is also said to be under *Covert baron*.

Fence-moneth, (Mensis prohibitionis, or Mensis vetitus,) Is a Moneth wherein the Female Deer do fawn, and therefore 'tis unlawful to Hunt in the Forest during that time, which begins fifteen dayes before *Midsommer*, and ends fifteen dayes after, in all 31 dayes. See *Manwood*, Part 2. cap. 13. *per totum*, and the Stat. 20 Car. 2. ca. 3. It is also called the *Defence Moneth*, that is, the *Forbidden Moneth*; for, the Latin is, *Ponantur in defenso*. There are also certain *Fence*, or *Defence Moneths*, or seasons for Fish, as well as wild Beasts, as appears by *Westm. 2. ca. 13.* in these words; All waters where *Salmongs* are taken shall be in *Defence* for taking of *Salmongs* from the Nativity of our Lady unto St. Martins-day. And likewise that young *Salmongs* shall not be taken nor destroyed by Nets, &c. from the midst of April, to the *Baptity of St. John Baptist*. See also 13 R. 2. Stat. 1. ca. 19.

Fengeld, (Sax.) *Pecunia vel tributum ad arcendos hostes erogatum.* M. S. Antiq.

Feodal, (Feodalis vel feudalis,) of, or belonging to the Fee, *Fee-Farm*, or *Fee-simple*. Anno 12 Car. 2. ca. 24.

Feodary, Feudary, or Feudatary, (Feudarium,) Was an Officer, Authorized and made by the Master of the Court of Wards, by Letters Patent under the Seal of that Office; His Function was, to be present with the *Escheator* at the finding any Office, and to give Evidence for the King, as well concerning the value, as the tenure, to Survey the Land of the Ward, after the Office found, and rate it. He did also assign the Kings Widows their Dowers, and receive all the Rents of Wards lands within his Circuit. This Officer is mentioned Anno 32 Hen. 8. ca. 46, and seems to be totally taken away by 12 Car. 2. ca. 24. Noble-Men had also particular *Feodaries*. *Humphrey Count*

de Stafford & de Perch Seigneur de Tunbridge & de Cauz, a nosre Feodier en le Comte de Warwick, &c. Saches que nous — Dat. 17 H. 6.

Feofment, (Feofamentum, from the Gothish word *feudum*,) Signifies *Donationem feudi*, any Gift, or Grant of any Honour, Castles, Manors, Messuages, Lands, or other corporal and immoveable things of like nature, to another in Fee; that is, to him and his heirs for ever, by the delivery of *seisin*, and possession of the thing given, whether the gift be made by word, or writing: when it is in writing it is called a *Deed of Feofment*; and, in every *Feofment* the giver is called the *Feofer*, (*Feofator*;) and he that receives, by virtue thereof, the *Feoffee*, (*Feofatus*.) *Litt. lib. 1. ca. 6.* says, the proper difference between a *Feoffor* and a *Donor*, is, that the first gives in *Fee-simple*, the other in *Fee-tayl*. *Feofamentum est ipsius Donum, Concessio vel actus feofandi.* See *Coke on Litt. fol. 9.*

Ferdella terra, Is ten Acres. See *Virgata* and *Fardel*.

Ferdendel. See *Fardingdeal*.

Ferdare, Significat quietantiam eundi in Exercitu. *Fleta. lib. 1. ca. 47.*

Ferdboit, Significat quietantiam murdri in exercitu. *Fleta. lib. 1. ca. 47.* — *Et sibi quieti de Fictwite, Fictwite, & Ferdwite, & Hengewite, & Leirwite, &c.* *Carta 11 H. 3. in. 33.*

Ferial-days, (Dies Feriales,) *Feria*, (according to the Latin Dictionary,) Signifies Ho'ly-days, or dayes vacant from Labour and Pleading: But, in the Stat 27 Hen. 6. ca. 5. *Ferial dayes* are taken for Working dayes; For, S. Silvester ordain'd — *Sabbati & Dominici dies nomine retento, reliquo bebdomadae dies feriarum nomine distinctos, ut jam ante in Ecclesia vocari coeparent, appellari.* So that *Ferial dayes* are properly all the dayes of the Week, except Saturday and Sunday.

Ferling, (Ferlingus. Sax. Peopling,) The fourth part of a Penny; *Quadrans. Quando Quarternum frumenti venditur pro 12 denar. tunc panis wafelli de Ferlingis ponderabit 5 lib. & 16 Sol. Assis. panis & Cervis. Anno 51 Hen. 3. Cam. tit. Huntingdon*, says, there were in this Borough four *Ferlings*, that is, quarters of Wards.

Ferlingata terra, The fourth part of a Yardland. *Decem acra faciunt Ferlingatam, 4 Ferlingata faciunt Virgatam, 4 Virgata faciunt Hidam, 5 Hida faciunt Feodum militare. Efc. 12 Ed. 2. n. 18. Ebor.* In Ancient Records *ferlingus terra* is also used. See *Mon. Angl. 2 Part. fol. 8. a. and elsewhere Ferlingue ter- re.*

Ferm or Farm, (Lat. *Firma*. Sax. *peopme*. Fr. *Ferme*,) Signifies a House and Land, taken by Lease in writing or parol. This in the North-parts is called a *Tack*; in Lancashire a *Ferm-bolt*, in Essex a *Wike*. I find *locare ad fermam* sometimes to signify with others, as much as to let, or set to Farm with us; the reason, may be in respect of the sure hold they have above Tenants at Will. *Vide Vocab. utriusque*

Furia; verbo, *Affidus.* How many ways Ferm is taken see Plowden; *Casa Wriothesley;* fol. 195. and *Terms Leg.* verbo, Farm.

Fermisona. The Winter season of Deer, as *Tempus Pinguedinis* is the Summer season. — *Quod idem Hugo Beredos sui de cetero quoque liber anno possunt capere in predicto Parco (de Blore) unum damum in Fermisona inter Festum Sancti Martini & Parvo. Beatae Marie, & unum damum in Pinguedine inter Festum Sanctae Crucis in Mayo & Festum S. Crucis in Septembr. imperpetuum:* Ita quod qualemcumque bestiam tempore Pinguedinis vel Fermisona berberuant, vel cum predictis canibus copient, illa bestia es remanebit; & sis in Fermisona allocabitur eis pro dama, & sis in Pinguedine, allocabitur eis pro dama, &c. Fin. Concor. in Curia Dom. Regis apud Litchfield coram Roger. de Turkilby, &c. inter Hugonem de Acoverre quer. & Wil. de Aldelesey Deford. *Penos Willig. Dugdale, Arm.* See *Tempus Pinguedinis.*

Rex — dilecto Ric. Cassel custodi Manerio de Brufwyk salutem. Cum mitramus dilectius valletum nostrum Johannem de Fulham ad instantem Fermisonam in Parcis nostris ibidem, prout vobis & fratribus melius ad opus nostrum fore videbitis faciend. captand. Vobis mandamus, &c. Clasf. 30 Edw. m. m. 18.

Ferrure (Fr.) The Shooing of Horses. See *Bouche de Court.*

Festingmen — Ut illud Monasterium (sc. de Breddon) sit liberatum ab illis incommode, quæ nos Saxonica lingua **Festingmen** dicimus. Certa Berhtwulf Reigi Merciorum. In Mon. Angl. 1. par. fol. 123. a. — The Saxon festenmon signifies Fidejussor, a surety: So that by this Charter probably they were to be free from the Franck-pledge, and not bound for any Mans forth-coming, who should transgress the Law.

Feud or Feod (*Feida alias Faida*) Signifies in the German tongue Guerriam, i. Bellum. Lambert writes it **Fæth**, and says it signifies *Capitales inimicities*. Feud is used in *Scotland*, and the North of *England*, for a Combination of Kinred to revenge the death of any of their Blood, against the killer, and all his race, or any other great enemy. See *Skene* verbo *Affidatio*, and 43 Eliz. cap. 13.

Feudal. See *Feodak*.

Feudary. See *Feodary*.

Feud-bote (Sax. *feohthbote*) A recompence for engaging in a Feud or Faction, and for the damages consequent: It having been the custom of ancient times, for all the Kinred to engage in their Kinsmans quarrel, according to that of Tacitus, *de Moribus Germanorum*. *Suscipere tam inimicitias, seu patrum, seu propinquorum, quam amicitas, necesse est.* Sax. Dict.

Fiftale, Fildale, and Filchale (Bract. lib. 3. fol. 117.) A kind of Comportation or Entertainment made by Bailiffs, to those of their Hundreds for their gain; or (according to Sir Edw. Coke's 4. Inst. fol. 207.) an Extortion *Coloro comportacione.* See *Scoteler*.

Fieri facias, Is a Writ Judicial, that lies at all times within the year and day, for him that hath recovered in an Action of Debt or Damages, to the Sheriff, to command him to levy the Debt or Damages, of his Goods, against whom the Recovery was had. This Writ had beginning from Westm. cap. 18. See *Old Nat. By.* fol. 152. And great diversity thereof in the Table of *Regist. Judic.* verbo, *Fieri facias.*

Fifteenth (Decima quinta) Is a Tribute or Imposition of Money laid upon any City, Borough, or other Town through the Realm, not by the Poll, or upon this or that Man, but in general upon the whole City or Town; and is so called, because it amounts to a Fifteenth part of that which the City hath been valued at of old, or to a Fifteenth part of every Mans Goods and Personal Estate, according to a reasonable valuation. This is imposed by Parliament, and every Town, through the Realm, knows what a Fifteenth for themselves amounts unto, because it is always the same: Whereas the *Subsidy*, which is raised on every particular Mans Lands or Goods, must needs be uncertain, because every Mans Estate is uncertain: And in that regard, the Fifteenth seems to have been a Rate anciemtly laid upon every Town, according to the Land or Circuit belonging to it, whereof *Camden* mentions many in his *Britan.* viz. pag. 171. Bath geldabat pro viginti bidib, quando schola geldabat, and pag. 181. Old Sarum pro quinquaginta bidib geldabat, &c. Which Rates were according to *Domesday*. So that this seemed in old time to be a yearly tribute in certainty, whereas now, though the Rate be certain, yet it is not levied, but by Parliament. See *Law* and *Quinseme.*

Fightwite (Sax.) Multa ob commissum pugnam in perturbationem pacis. In exercitu Regis et Sol. habebatur Fightwita, i. *Foftaffaria* *pugna.* M. S. Codex.

Filager (from the Fr. *Fili*, a Third, Line, or String) Is an Officer in the Court of Common Pleas (so called, because he Files those Writs, whereon he makes out Writs or Proces) whereof there are fourteen in their several Divisions and Counties. They make out all Writs and Proces upon Original Writs issuing out of the Chancery, as well Real, as Personal, and mixt, returnable in that Court: And in Actions merely personal, where the Defendants are returned summoned, make out Powers or Attorcements, which being returned and executed, if the Defendant appears not, they make out a *Distringas*, and so *Ad infinitum*, or until he doth appear: If he be returned nihil, then Proces of *Capias* infinite; if the Plaintiff will, or after the third *Capias*, the Plaintiff may proceed to *Villare* in the County, where his original is grounded, and have an *Exigent* with Proclamation. Also the Filagers make forth all Writs of *Victu* in Real Actions, where the *Victu* is prayed, and upon Replications or Recordaries, Writs of *Reverendo habendo*, *Second Dolobstance*, and Writs of *Witernam*; in Real Actions,

Actions, Writs of *Grand* and *Petit Capi* before appearance. They enter all Appearances and Special Baills, upon any Proceses made by them. They make the first *Scrio Facias* upon Special Baills, Writs of *Habeas Corpus*, *Distringas*, *Nuper Vice-comitem vel Balivum*, and *Duces tecum*, and all *Supersedens* upon Special Bail or Appearance, &c. Writs of *Habeas Corpus cum Causa* upon the Sheriffs Return, that the Defendant is detained with other Actions; Writs of *Adjournment* of a Term, in case of Pestilence, War, or Publick Disturbance; and (until an Order of that Court), made 14 *Jac.* which limited the *Filazers* to all matters and proceedings before Appearance, and the Prothonotaries to all after) did enter Declarations, Imparlancess, Judgments, and Pleas, whereunto a Serjeants hand was not requisite, and made out Writs of Execution, and divers other Judicial Writs after Appearance. And in the *Kings Bench*, of later times, there have been *Filazers*, who make Proceses upon Original Writs returnable in that Court, upon Actions *Contra Pacem*: The *Filazers* of the *Common Pleas* having been Officers of that Court before the Statute of 10 *Hen. 6.* cap. 4. wherein they are mentioned. F. P.

Filiolus. Is properly a little Son, also a Godson. *Sciens — quod ego Johannes Lovet Miles Dominus de Elmeley Lovet, Dedi — Waltero le Blount fratri meo & Johanni Filio suo, Filiolo meo quindecim solidos annuū redditum, &c.* Sine dat. Here *Filiolus* is used for a Nephew; for Walter Blount married the sister of this Sir John Lovet; unless John the Son, were also Godson to Sir John.

Filkale. See *Sothale* and *Fiske*.

File (*Filacum*) A Thred or Wier, whereon Writs or other Exhibits in Courts and Offices are fastened, properly called *Filed*, for the more safe keeping them.

Finders (*Anno 18 Edw. 3. stat. 1. and 14 Rich. 2. cap. 10.*) Seem to be all one with those, which in these days we call *Searchers*.

Fine (*Finis*) Hath divers uses or significations; the first and most noble is, (according to *Glanvile*, lib. 3. cap. 1.) *Amicabilis comparsio & finalis concordia, ex consensu & licentia Domini Regis vel ejus Justiciariorum*; or a Covenant made before Justices, and entred of Record for Conveyance of Lands, Tenements, or any thing inheritable, being *In esse tempore Finis*; to the end, to cut off all Controversies. *Et Finalis dicitur Finalis Concordia, qui imponit finem litibus, & est exceptio preemptoria*, says *Bratton*, lib. 5. tract. 5. cap. 28. num. 7. See the *New Book of Entries*, verbo, *Fines*. And 27 *Edw. 1. stat. 1. cap. 1.* So that this *Fine* appears to be a Composition or Concord, acknowledged and recorded before a Competent Judge; touching some Hereditament, or thing immovable, that was in controversy between the parties to the same *Concord*; and that, for the better credit of the transaction, it is by imputation made in the presence of the King, because levied in his Court; and therefore it bindes Women-Co-

vert, being parties, and others whom ordinarily the Law disabiles to transact, only for this reason, That all presumption of *déceit* or evil meaning is excluded, where the King and His Court of Justice are supposed to be privy to the Act.

Originally the use of this *Final Concord* was instituted and allowed, in regard that, by the Law and ancient course of Proceedings, no Plaintiff (giving Real Security or Sureties, *De clamore suo prosequendo*, and being to be Fined or Amerced by the Judges, if he failed therein, which, as appeareth by the Records of King Edward the First, were duly Estreated and certified into the *Exchequer*) could agree without License of the Court: So as *Fines* have been anciently levied in Personal Actions, and for no greater sum of Money then xii. But subtlety of Wit and Reason, hath in time wrought other uses of it, viz. To cut off *Intails*; and with more certainty to pass the interest or title of any Land or Teneement, though not controverted, to whom we think good, either for years or in Fee. In so much as the passing a *Fine*, in most Cases now, is but *Mera fictio Juris*, alluding to the use for which it was invented, and supposing an Action of Controversie, where in truth none is, and so not only operating a present Bar, and Conclusion against the parties to the *Fine*, and their Heirs; but at five years end, against all others, not expressly excepted (if it be levied upon good consideration and without Covin) as Women-covert, Persons under Twenty one years, Prisoners, or such as are out of the Realm, at the time of its acknowledging. Touching which, see the Statutes *Anno 1 Rich. 3. cap. 7.* — 4 *H. 7. cap. 14.* — 32 *Hen. 8. cap. 35.* and 31 *Eliz. cap. 2.*

This *Fine* hath in it five essential Parts, 1. The *Original Writ* taken out against the Cognizor. 2. The Kings License giving the parties liberty to accord, for which he hath a *Fine*, called the *Kings Silver*, being accounted part of the Towns Revenue. 3. The *Concord* it self, which begins thus, *Et est Concordia talis, &c.* 4. The note of the *Fine*, which is an abstract of the *Original Concord*, beginning thus, *Se. Inter R. querentem, & S. & T. uxorem ejus deforcientes, &c.* (where instead of *Deforcientes*, anciently *Impedientes* was used) 5. The foot of the *Fine* (*Hec est Finalis Concordia facta in Curia Domini Regis apud Westm. a die Pasche in Quindecim dies, Anno &c.*) includes all, containing the day, year, and place, and before what Justice the *Concord* was made. *Coke*, vol. 6. *Casu Tey*, fol. 38.

This *Fine* is either *single* or *double*; a *Single fine* is that by which nothing is granted or rendered back again by the Cognizors to the Cognizors, or any of them. A *Double fine* contains a grant, and render back, either of some Rent, common, or other thing out of the Land, or of the Land it self, to all or some of the Cognizors for some Estate, limiting thereby many times Remainders to strangers, not named in the

the Writ of Covenant; and a Fine is sometimes called a *double fine*, when the Lands do lie in several Counties. Again, a Fine is in its effect, divided into a *Fine executed*, and a *Fine executory*; a *Fine executed* is such, as of its own force gives a present possession (at least in Law) to the Conizee, so that he needs no Writ of *Habere facias Seizinam*, for Execution of the same; but may enter, of which sort is a Fine *Sur cognizance de droit come ceo que il ad de son done*, that is, upon acknowledgment, that the thing mentioned in the Concord is, *Jus ipsius cognizati, ut illa qua idem babet de dono Cognitorum*. *West.* sect. 51. *K.* The reason is, because this Fine passeth by way of Release of that thing, which the Conizee hath already (at least by supposition) by virtue of a former gift of the Cognizor, *Coke, lib. 3. Case of Fines*, fol. 89. b. which is, in very Deed, the sureft Fine of all. *Fines Executory*, are such as of their own force, do not execute the possession in the Cognizees, as *Fines, Sur cognizance de droit tantum, Fines sur done, Grant, Release, Confirmation, or Render*. For, if such *Fines* are not levied, or such render made to those who are in possession at the time of the Fines levied, the Conizees must needs sue out Writs of *Habere facias seisinam*, according to their several Cases, for obtaining their possessions, except at the levying such *Executory fines*, the parties to whom the Estate is limited, be in possession of the Lands passed thereby: For in this Case such *Fines* do enure by way of extinguishment of Right, not altering the Estate or Possession of the Cognizee, but perhaps bettering it. *West Symbol.* sect. 20.

Touching the form of these *Fines*, it is to be considered, upon what Writ or Action the Concord is to be made, and that is most commonly, upon a Writ of Covenant, and then there must first pass a pair of Indentures between the Cognizor and Cognizee, whereby the Cognizor Covenants with the Cognizee, to pass a Fine to him, of such and such things, by a day limited: As these Indentures are first in this proceeding, so are they said to lead the *Fine*. Upon this Covenant, the *Writ of Covenant* is brought by the Cognizee against the Cognizor, who thereupon yields to pass the *Fine* before the Judge, and so, the Acknowledgment being Recorded, the Cognizor and his Heirs are presently concluded, and all strangers (not excepted) after five years passed. If the Writ, whereon the *Fine* is grounded, be not a Writ of Covenant, but of *Warrantia Chartæ*, or a Writ of Right, or of *Mesn*, or of Customs and Services (for of all these *Fines* may also be founded, *West*, sect. 23.) then this Form is observed; the Writ is served upon the party that is to acknowledge the *Fine*, and then he appearing, doth accordingly. See *Dyer, fol. 179. num. 46.*

Fines are now only levied in the Court of Common Pleas at Westminster, in regard of the solemnity thereof, ordained by the Statute of 18 *Edw. 1.* Before which time they were some-

times levied in the County Courts, Court Barons, and in the Exchequer, as may be seen in Mr. Dugdale's *Origines Juridicale* & alibi.

This word *Fine* sometimes signifies a sum of Money, paid for an income to Lands or Tenements let by Lease, anciently called *Gersuma*, sometimes an amends, pecuniary punishment, or recompence upon an offence committed against the King, and his Laws, or a Lord of a Mannor. In which case a Man is said *Facere Finem de transgressione cum Rege, &c.* *Reg. Jud. fol. 25. a.* Of the diversity of these *Fines*, see *Crompont's Just. of Peace*, fol. 141. b. 143, 144. and *Lamb. Euren. lib. 4. cap. 16.* But in all these diversities of Uses, it hath but one signification, and that is a Final conclusion or end of differences between parties. And in this last sense, wherein it is used for the ending and remission of an Offence, *Brazen* hath it (*lib. 2. cap. 15. num. 8.*) speaking of a *Common Fine*, that the County pays to the King, for false Judgments, or other Trespasses, which is to be Assessed by the Justices in Eyr before their departure, by the Oath of Knights, and other good men, upon such as ought to pay it; with whom agrees the Statute 3 *Edw. 1. cap. 18.* There is also a *Common fine in Leets*, see *Kitchin, fol. 13. Vide Common Fine. Eleta, lib. 1. cap. 48.* and *Coke on Littl. fol. 126. b.*

Fines for Alienation. Are reasonable Fines paid to the King by his Tenants in *Cheif*, for License to *Alien* their Lands, according to the Stat. 1 *Edw. 3. cap. 12.* But see the Stat. 12 *Car. 2. cap. 24.*

Fines pro Licentia Concordandi. Anno 21 *Hen. 8. cap. 1.* See *Fine*.

Fine force (from the Fr. *Fin*, i. crafty or subtil, and *force*, i. viii) Seems to signify an absolute necessity or constraint, not avoidable; and in this sense it is used, *Old Nat. Br. fol. 78.* And in the Stat. 35 *Hen. 8. cap. 12.* in *Perkins, Dower, fol. 321. Plowden, fol. 94. Coke, vol. 6. fol. 111. a.*

Fine adnullando lebato de tenemento quod fuit de antiquo Dominicō. Is a Writ to Justices, for diannulling a *Fine* levied of Lands holden in Ancient Demesn, to the prejudice of the Lord. *Reg. of Writs, fol. 15. b.*

Fine Capiendo pro terris, &c. Is a Writ lying for one, who upon Conviction by a Jury, having his Lands and Goods taken into the Kings hand, and his body committed to prison, obtains favor for a sum of Money, &c. to be remitted his imprisonment, and his Lands and Goods to be re-delivered to him. *Reg. of Writs, fol. 142. a.*

Fine lebando de tenementis tentis de Rege in Capite, &c. Was a Writ directed to the Justices of the *Common Pleas*, whereby to License them to admit of a *Fine* for the sale of Land holden in *Capite*. *Reg. of Writs, fol. 167. a.*

Fine non-capiendo pro pulchre placi-tando, Is a Writ to inhibit Officers of Courts to take *Fines* for fair pleading. *Reg. of Writs, fol. 179.*

Fine pro reditissima capienda, &c. Is a Writ lying for the release of one laid in prison for a Re-disseisin, upon a reasonable Fine. Reg. of Writs, fol. 222.

Fines of Gold and Silver, Are those that purifie and part those Metals from other courser, by Fire and Water. Anno 4 Hen. 7. cap. 2. They are also called Parters in the same place, and sometimes Departures.

Firdstole. See Fridstole.

Firebare — Quod sine dilatatione levare & reparari fac. signa & **Firebares** super montes altiores in quolibet Hundreto: Ita quod tota patria, per illa signa, quotiescumque necesse fuit, prae-muniri potest, &c. Ordinatio pro vigil. obser-vand. a Lynne usque Yarmouth, temp. Ed. 2. Perhaps from the Saxon Fyretop, a Beacon or a High Tower by the Sea-side, wherein were continual Lights, either to direct Sailers in the Night, or give warning of the Enemy.

Firebote (Sax.) Signifies allowance of Wood or Estovers, to maintain competent Fire for the use of the Tenant. See Hay-bote.

Firma, see Ferme. *Ad firmam noctis* was a Cutom or Tribute paid towards the entertainment of the King for one night, according to Domesday. Comes Meriton T.R.E. (*i. tempore Regis Edwardi Conf.*) reddebat firmam unius noctis, i. Provision or Entertainment for one night, or the value of it. *Firma Regis*, anciently, *Pro villa Regia*, seu *Regis Mancio. Spel.*

First-fruits or Annates (Primitia) Are the Profits, after Avoidance, of every Spiritual Living for one year, given in ancient time to the Pope throughout all Christendom, but by the Stat. 26 Hen. 8. cap. 3. translated here in England to the King: For ordering whereof, there was a Court erected 32 Hen. 8. cap. 45. but dissolved, 1 Mar. Sess. 2. cap. 10. And since that time, though those Profits are reduced again to the Crown, *i. Eliz. cap. 4.* yet was the Court never restored, but all matters, formerly handled therein, were transferred to the Exchequer. See Annates.

Fish-garth (Anno 23 Hen. 8. cap. 18.) A Dam or Wear in a River, made for the taking of Fish; especially in the Rivers *Ouse* and *Humber*. See Garth.

Fithwite, Rectius Fithewite, a Sax. Feoth, pugna, and pite, multa; multa ob commissam pugnam in perturbationem pacis publicae. *Fithwite, i. si pugnaverint & percussent se, quamvis sanguinem non extraxerint, Prior habebit inde amerciamenta.* Ex Registro Priorat. de Cokesford.

Fledwite or Flightwite (Sax. Flyht, fugit & pite, multa) Signifies, in our ancient Laws, a Discharge or Freedom from Amerciaments, when one, having been an outlawed Fugitive, comes to the Peace of our Lord the King, of his own accord, or with licence. Thus Raftal. But *Quare*, whether it does not rather signific a Mult or Fine set upon a Fugitive?

Fleet (Sax. Fleot, i. A place, where the Water ebbs and flows, a running Water) A famous Prison in London, so called from the River, on the side whereof it stands. To this Prison, Men are usually committed for contempt to the King, and his Laws, or upon absolute command of the King, or some of His Courts, or lastly for Debt, when Men are unable, or unwilling to satisfy their Creditors.

Flem and Fletch. (Sax. Flema, an Outlaw, and Flet, a House) In Placito de quo Warranto Abbas de Burgo dicit quod clamat annum & vacum & medium tempus per bac verba Flem & Fletch. Irin. 7 Edw. 3.

Flemaстace (from the Sax. Flema, a Fugitive, or Outlaw, and Ilean, to kill or slay) By vertue of this word were claimed *Bona felonum*, as appears upon a Quo Warranto, Temp. Edw. 3. See Railways Rep. fol. 145. b.

Flemenestirinthe (Rectius Flymenafyrinthe, A Sax. Flyma, i. Fugitivus & Fypmpe, suscep-tio, admisso. LL. Ina. cap. 29. & 47. LL. etiam Hen. 1. cap. 10, 12.) Signifies the receiving or relieving a Fugitive. — *Cum Sacha & Socha, Tol & Team, Infangenhof & Flemenesfyrinthe & Gridbreche, Forstal, Hamfocne, Blodwite, Ordel & Orefe.* Carta Edw. Conf. Monasterio de Waltham. I finde this word often in ancient Charters erroneously written: As *Fle-meneferd, Flemenefrit, Flemnenefremeth, Flemenisfhit, Flemnetourde, Fremene-fenda, and Flemenesfreiche.* All doubtless intended for the same thing

Flemenestreme and **Flemenestrenthe**, Interpretantur catalla fugitivorum. Mich. 10 H. 4. Herti. 59. Coram Rege, Rot. 59. See *Flemenestrinthe*.

Fletemswite (Sax.) Signifies a Liberty or Charter, whereby to challenge the Cattle, or Amerciaments of your Man a Fugitive. Raftals Exposition of words. *Fleta* writes it two other ways, *viz. Flemenesfreric and Flemenesfreitthe*, and interprets it, *Habere catalla fugitivorum, lib. 1. cap. 47.* See *Flem*, and *Flemenestrinthe*.

Fletwite (Sax.) Est multa utlagatis & fugitiis indita, ob veniam & pacem Regis im-petranda. See *Fledwite*.

Flidethrift, otherwise called *Shovegroate*, Is the same game we now call *Shovelboard*, and mentioned 33 Hen. 8. cap. 9. This should rather have been called *Sliderift*.

Flitchtwite alias Flittwite, (from the Sax. Flit, Convention or Strife) Significat multam ob contentiones, rixas & iurgia impos-tam, & cui bac à Principe conceduntur, potest in Curia sua cognoscere de hujusmodi transgressi-onibus, vel multas inde provenientes in Curia Regis, a delinquentibus exigere & sibi metu retinere. Thus Spelman. *Flittwite, i. Quod Prior tec-neat Placita in Curia sua de contentionebus & convicciis hominum suorum & habeat inde Amer-ciamenti.* Ex Reg. Priorat de Cokesford.

Florencees (Anno 1 Rich. 3 cap. 8.) A kinde of Cloth so called.

Flotages (Fr. *Flotage*, i. a Floating or Swimming on the top) Are such things, as by accident float or swim on the top of the Sea, or great Rivers. I have seen the word used in the Commission of a Water-Bailiff.

Flotson alias Flotzan (from the Sax. *pleoten*, i. nature) Is a word proper to the Seas, signifying any Goods lost by Shipwreck, and which lie floating or swimming on the top of the Water, which with **Jetson**, **Lagon**, and **Shares**, are given to the Lord Admiral by his Letters Patent. *Jetson* is any thing cast out of the Ship, being in danger of Wreck, and beaten to the shore by the Waves, or cast on it by the Mariners. *Coke*, vol. 6. fol. 106. a. *Lagon*, alias *Lagan vel Ligam*, Is that which lies in the bottom of the Sea. *Coke*, ibid. *Shares* are Goods due to more by proportion.

Foder (Sax. *Fodre*) Any kinde of Meat for Horses or other Cattle. See **Forage**. But among the Feudists it is used for a Prerogative that the Prince hath, to be provided of Corn, and other Meat for His Horses by His Subjects, in His Wars, or other expeditions. *Hotoman de verbis feudal*. See **Fother**. — *Nec non redditus qui dicuntur Hidagium & Foddercorn in perpetuum Abbatibus (de S. Edmundo) designantur*. Mon. Angl. 1 Part. fol. 297. a.

Fogage (*Fogarium*) Fog or Feg, rank Grass not eaten in Summer. *LL. Forestar. Scot. cap. 16.*

Fole-lands (Sax.) Copihold Lands were so called in the time of the Saxons, and Charter-Lands were called **Woc-lands**. *Kitchin*, 174. *Fundus sine scripto possiss* (says Master Somner) *censum pensitans annum*, *Officiorum servituti obnoxius*. *Terra Popularis*.

Folcmote and **Folkelmore** (Sax. *Folc-gemot*, i. *Conventus populi*) Signifies (according to *Lambert*) two kindes of Courts, one now called the *County Court*, the other the *Sheriff's Turn*. The word is still in use among the *Londoners*, and signifies *Celebrem ex omni Civitate conventum*. *Stow in his Survey*. But *Manwood* says, It is the Court holden in *London*, wherein all the *folk* and people of the City did complain of the Major and Aldermen for any mis-government. Mr. *Somner* in his *Saxon Dictionary* says, It is a general Assembly of the people for considering and ordering Matters of the Commonwealth. *Omnis procerus Regni & Milites & liberi homines universi totius Regni Britanniae facere debent in pleno Folcmote fidelitatem Domino Regi, coram Episcopis Regni*. In Leg. Edw. Confel. cap. 35.

Fold-course (*Croke*, 2 Part. fol. 432) See **Faldage**.

Folgheres or **Folgeres** (from the Sax. *folgep*, i. to follow) Are properly *followers*; but *Braeton* (lib. 3. tract. 2. cap. 10.) says it signifies, *Eos qui aliis deseruant*. Vide *LL. Hen. 1. cap. 9.*

Footgeld. See **Foutgeld**.

Foot of the Fine. See **Chirographer**.

Forage (Fr. *Fourrage*) Fodder for Cattle. *Cestes sunt: les Covenants feates le Vendredi prochain devant la Feste de Scinte Jake l'Apostle.*

20 Edw. 3. *Perentre Nicbol de Stone d'une partie & John de Blount d'autre partie*. — *Et le dit John trovera au dit Nicbol herbe & feyn & Forage pour un Hakeney & deux raches, &c. Penes Wal Kirkham-Blount Bar.*

Forathe. *Liberalis autem homo, i. Pegen. si oddo crimen suum non sit inter majora, habeat delem hominem qui possit pro eo jurare juramentum, i. Forathe. Si autem non habet, ipsem et juret, nec perdonetur ei aliquod juramentum. Constitut. Canuti de Foresta, fest. 12.*

Forbarre or **Forzebar**, Is to Bar or deprive for ever. *Anno 9 R. 2. cap. 2. and 6 H. 6. cap. 4.*

Forbusher of Armoz (*Forbator*) *Si quis forbator arma alijus suscepit, ad purgandum, &c. LL. Aluredi. M. S. cap. 22.*

Force (Fr.) Is most usually applied to the evil part, and signifies unlawful violence, *West* defines it to be an offence, by which violence is used to things or persons. *Parte 2. Symbol. tit. Indictments, fest. 65*, where he also divides it into *Simple* and *Compound*: *Simple force* is that which is so committed, that it hath no other crime annexed to it; as if one by force do only enter into another Mans possession, without doing any other unlawful act. *Mixt force* is when some violence is committed with such a fact, as of it self only is criminal: As, if any by force enter into another Mans possession, and kill a Man, or ravish a Woman, &c. He further divides it into *True force*, and *Force after a sort*, and so proceeds to divers other Branches, worth the reading, as *forcible Entry*, *forcible Detaining*, *unlawful Assembly*, *Routs*, *Riots*, *Rebellions*, &c.

Forcible detaining, or with-holding possession, Is a violent act of resistance, by strong hand of Men weaponed, or other action of fear in the same place or elsewhere, by which the lawful Entry of Justices, or others, is hindred or hindered. *West*, pa. 2. *Symbol. iii. Indictments, fest. 65. Crompton's Just. of Peace, fol. 59.*

Forcible Entry, (*Ingressus manus fortis*) Is a violent actual entry into House or Land, &c. or taking a distress being weaponed, whether he offer violence or fear of hurt to any there, or furiously drive any out of possession. *West* and *Crompton ut supra*. It is also used for a Writ grounded upon the Stat. 8 Hen. 6. cap. 9. whereof read *Fitz. Nat. Br. at large*, fol. 248. *New Book of Entries*, verbo, *Forcible Entry*, and *Lamberts Eiren. lib. 2. cap. 4*

Forzeclosed (*Anno 33 Hen. 8. cap. 39.*) Barred, shut out, or excluded for ever. 2 Part. Inst. fol. 298.

Forzeogoers, Were Purveyors, otherwise called, *Guing before the King in Progress*, to provide for Him. *Anno 36 Edw. 3. cap. 5.*

Forfein (Fr. *Forain*, Lat. *Forissecus*) Is in our Law joyned with divers Substantives in Senses, not unworthy the Exposition: As *Forfein Matter*, that is matter triable in another County (Pl. Cor. fol. 154.) or matter done in another County. *Kitchin*, fol. 126.

Forfein

Forcine Plea, Is a refusal of the Judge, as incompetent, because the matter in question is not within his Jurisdiction. *Kitchin, f. 75. Anno 4 Hen. 8. cap. 2.* And *22 Eiusdem, cap. 2. ¶ 14.*

Forcine Answer, Is such an Answer as is not triable in the County where it is made. *15 Hen. 6. cap. 5.*

Forcine Service, Is that, whereby a Mean Lord holds over of another, without the compass of his own Fee, (*Broke, tit. Tenures, fol. 28, 95, 251. num. 12. ¶ 28. Kitchin, fol. 209.*) or else that which a Tenant performs either to his own Lord, or to the Lord Paramount out of the Fee. Of which Services, thus *Braffton, (lib. 2. cap. 16. num. 7.) Item sunt quædam servitia, que dicuntur forinseca, quamvis sunt in charta de Feoffamento expressæ & nominatae;* & que ideo dici possunt forinseca, quia pertinent ad Dominum Regem, & non ad Dominum capitalem, nisi cum in propria persona profectus fuerit in servitio, vel nisi cum pro servitio suo satisficerit Domino Regi quoconque modo, & siue in certis temporibus, cum casus & necessitas evenerit, & varia habent nomina & diversa: Quandoque enim nominantur forinseca, largè sumptu vocabulo, quod servitium Domini Regis, quandoque Scutagium, quandoque servitium Domini Regis, & ideo forinsecam dici potest, quia sit & capitur foris, sive extra servitium quod fit Domino capitali. Forcine Service, seems to be Knights-service or Escuage uncertain. *Perkins, Reservation. 650.* —*Salvo forinseco servizio.* Mon. Angl. 2 Par. fol. 637. b.

Forcine Attachment, Is an Attachment of Forciner's Goods found within a Liberty, or a City, for the satisfaction of some Citizen, to whom the Forciner is indebted. At *Lempster* (anciently *Leominster*) there is the Borough and the *Eurein*; which last, is within the Jurisdiction of the Mannor, but not within the Baillif of the Boroughs Liberty.

Forcine Opposer or Apposer (*Forinsecarum Oppositor*) Is an Officer in the Exchequer, to whom all Sheriffs, after they are apposed of their sums out of the Pipe Office, do repair to be opposed by him of their Green Wax. He examines the Sheriffs Estreats with the Record, and apposeth the Sheriff, what he says to every particular sum therein. *Practise of the Exchequer, fol. 87. See 4 Inst. fol. 107.*

Foxera, Terra transversalis, seu Capitalis, A Head-land, or (as they vulgarly call it) Hade-land. —*Uno capite abutitante super Forcine Rogeri Attacastel.* Carta de Anno 47 Edw. 3. *Penes Tho. Wollascot, Arm.*

Forest (*Foresta*) Signifies a great or vast Wood; *Locus silvestris & salutiosus.* Our Law-writers define it to be *Locum, ubi fera inhabitant vel includuntur.* Others say it is called *Foresta, quasi, Ferarum statio, vel tuta mansio ferarum.* *Manwood* in his second Part of *Forest Laws, cap. 1.* defines it thus. *A Forest is a certain Territory of Woody Grounds, and Fruitful Pastures, privileged for Wilde Beasts and Fowls of Forest, Chase, and Warren, to rest in and abide, in the safe Protection of the King, for His Princely*

delight; meered and bounded with unremovable Marks, Meers and Boundaries, either known by Master of Record or Prescription; Replenished with Wilde Beasts of Venary or Chase, and with great Coverts of Vert, for succor of the said Beasts. For preservation and continuance of which place, with the Vert and Venison, there are certain particular Laws, Priviledges, and Officers, belonging only thereto.

Its properties are these: First, A Forest, as it is truly and strictly taken, cannot be in the hands of any, but the King; because none hath power to grant Commission to be a Justice in Eyre of the Forest, but the King. (Yet the Abbot of *Whitby* had a Forest by Grant of Henry the Second, and King John, with all Officers incident thereto. *4 Inst. fol. 305. ¶ 314.*) The second property is the Courts, as the *Justice Seat*, every three years; the *Swain-mote* thrice every year, and the *Attachment*, once every forty days. The third, may be the Officers belonging to it, for preservation of the Vert and Venison: As first, the *Justices of the Forest*, the *Warden or Keeper*, the *Verderers*, the *Foresters*, *Agisters*, *Regarders*, *Bailiffs*, *Bedels*, and such like, which see in their places. See *Manwood, pa. 2. cap. 1. num. 4 & 5.* But the most especial Court of a Forest, is the *Swain-mote*, which is no less incident to it, then the Court of *Pye-Powders* to a Fair. If this fail, then is there nothing of a Forest remaining, but it is turned into the nature of a *Chace*. There are reckoned to be in England Sixty eight Forests. For the ascertaining the Meets and Bounds of Forests. See *Anno 17 Car. 1. cap. 16.*

Forestagium, —*Et sint quieti de Theoloneo & Passagio, & de Forestagio, & Theoloneo aquarum & viarum Forestam meam contingentium.* Carta 18 Edw. 1. m. 10. n. 30. Seems to signify some duty or tribute payable to the Kings Foresters; as *Chiminage*, or such like.

Forestat. See *Forstal.*

Forester, (Forestarus,) Is a Sworn Officer of the Forest, appointed by the Kings Letters Patent to walk the Forest both early and late, watching both the Vert and the Venison, attaching and presenting all Trespassers against them, within their own Bayliwick or Walk; whose Oath you may see in *Crompton, fol. 201.* And, though these Letters Patent are ordinarily granted, but *quam diu se bene gessint*, yet they are granted to some and their heirs, who are hereby called *Foresters*, or *Fosters in Fee.* (*Idem fol. 157 and 159.* And *Manwood, Part. 1. pa. 220.*) whom, in Latin, *Crompton* calls *Forastarium Feudi, fol. 175.*

Forc-judging or Forjudging, (Forjudicatio,) Signifies a Judgment, whereby a Man is deprived, or put by the thing in question. *Braffton, (lib. 4. Tract. 3. ca. 5.)* has these words, —*Et nos permittas quod A, capitalis, Dominus Feudi illius, habeat custodiam bareidis, &c. quia in Curia nostra forisjudicatur de custodia, &c.* So does *Kitchin* use it, *fol. 29.* and *Old Nat. Br. fol. 44 and 81.* And the Stat.
5 Ed.

5 Ed. 3. ca. 9. and 21 R. 2. ca. 12. *Forjudicatus*, with Authors of other Nations, signifies as much as banished, or as *Deportatus* in the ancient Roman-Law, as appears by *Vincentius de frumentis Declaris*. 102.

Forjudged the Court, Is, when an Officer of any Court is banished, or expell the same, for some offence, or for not appearing to an Action by Bill filed against him; and, in the latter, he is not to be admitted to Officiate, till he shall appear to the Bill. Anno 2 Hen. 4. ca. 8. — **He shall lose his Office, and be forjudged the Court, &c.** *Forjudicari interdum est male judicare.* Spel.

Forfang & Forfeng, (A Sax. *pope, ante, pangon, prendere*,) est captio obscuriorum, qua in foris aut nundinis ab aliquo sit, priusquam minister Regis ea ceperit qua Regi fuerint necessaria. *Antecaptio.* — Et sibi quietis de Wardwite, & de utilete & Forbenge & Withfange, &c. Carta Hen. 1. Hosp. Sancti Barth. Lond. An. 1133.

Forfeiture, (*Forisfactura*,) comes of the French *Forfait*, i. *Scelus*; but signifies with us, rather the effect of transgressing a Penal Law, then the transgression it self, as *forfeiture* of Escheats, Anno 25 Edw. 3. ca. 2. *Statute de Produtionibus*. Goods confiscated and goods forfeited differ. *Stat. Pl. Cor. fol. 186.* where those seem to be forfeited that have a known owner, who has committed some offence, whereby he loseth his Goods; *Confiscate*, are those, that are disfavoured by an Offender, as not his own, nor claimed by any other. But, *Forfeiture* is rather more general, and *Confiscation* particular to such as forfeit onely to the Princes Exchequer. *Full forfeiture, (plena forisfactura)* otherwise called *plena vita*, Is a forfeiture of life and member, and all else that a man hath. *Manwood, Part. 1. pa. 341.*

Forfeiture of Marriage, (*Forisfactura Maritagi*,) Is a Writ which lay against him, who, holding by Knights-service, and being under age, and unmarried, refused her, whom the Lord offer'd him, without his disparagement, and married another. *Fitz. Nat. Br. fol. 141.* *Reg. of Writs, fol. 163. b.*

Forfeng, forfeng, & Forbenge, *Quiescantiam prioris prisae designat;* In hoc enim delinquunt Burgenses Londonenses cum prisas suas ante prisas Regu faciunt. *Fleta, lib. 1. ca. 47.* See *Forfang*.

Forger of false Deeds, (from the French, *Forger*. 1. To beat on an Anvil, or bring into shape,) Signifies either him that fraudulently makes and publishes false Writings, to the prejudice of any mans right, or else the Writ that lies against him, who commits this offence. *Fitz. Nat. Br. fol. 96. b.* says, That a Writ of Deceit lies against him, who commits this offence; and, the penalty of it is declared in the Stat. 5 Eliz. ca. 14.

Forlandum, — *Et de duobus Forlandis xvi denarios, sc. de Forlando Iohannis Wauker, quod jacet ante terram Ecclesie, viii denarios. Mon. Angl. 2 Part. fo. 332.*

Formdon, (Breve de forma donationis,) Is a Writ that lies for him, who has right to any Lands or Tenements, by vertue of any *Intail*, growing from the Stat. of Westm. 2. ca. 1. There are three kinds of it, viz. *Formda in the Descender*, *Formdon in the Reverter*, and *Formdon in the Remainder*. *Formdon in the Descender* lies for the recovery of Lands, &c. given to one and the heirs of his body, or, to a Man and his Wife, and the heirs of their two bodies, or to a Man and his Wife, being Coffin to the Donor, in Frank-Marriage, and afterwards alienated by the Donee. For, after his decease his heir shall have this Writ against the Tenant or Alienee.

Fitz. Nat. Br. fo. 211, 217. and 214. makes three sorts of this *Formdon in the Descender*: The first is in the manner now express'd; The second for the heir of a Co-parcener, that aliens and dies; The third he calls *Insumul tenuit*, which lies for a Co-parcener, or heir in *Gavel-kind*, before partition, against him to whom the other Co-parcener or heir has alienated, and is dead. *Formdon in the Reverter* lies for the Donor or his heirs, (where Land is entailed to certain persons, and their Issue, with condition, for want of such issue, to revert to the Donor and his heirs,) against him to whom the Donee alienateth, after the issue extinct, to which it was entailed. *Formdon in the Remainder*, lies, where a Man gives Lands in Tayle, the Remainder to another in Tayle, and afterwards the former Tenant in Tayl dies without issue of his body, and a stranger abates, then he in Remainder shall have this Writ, *Reg. of Writs, fol. 238. 242.* Of this see also the *New Book of Entries, verbo, Formdon, and Coke on Litt. fol. 326. b.*

Fornagium, (Fr. *Fournage*,) — *Et Dominus Rex prouide amittit per an. de exiibis Fornagii sui x. libras.* *Pl. coram Rege & ejus Concil. in Parl. 18 Ed. 1.* in Turr. Lond. It signifies the Fee taken by a Lord of his Tenants, bound to Bake in his common Oven, (as is usual in the North of England,) or for a permission to use their own; also Chimney-Money, or Harth-silver. See *Furnage*.

Fornication, (*Fornicatio, Anno 1 Hen. 7. ca. 4.*) Whoredom, the Art of Incontinency, in single persons; for, if either party be Married, it is *Adultery*; The first offence herein was punish'd with three Moneths Imprisonment, the second was made Felony, by a Ruimp-Act. *Scobels Collection, Anno 1650, ca. 10.*

Sussex. Preceptum est Vic. quod venire faciat Juratores, qui in Aissa Nov. Difficiliter dubium fecerunt Sacramentum tangere, quandam Agnetam quam dixerant esse filiam Simonis de Punde patris predicta Agneta, & non dixerint esse barodem. Et in eo quod dixerint quod Matildam, qua fuit mater Agnetæ, fuit uxor dicti Simonis, & non dixerunt surrum Patria habebat eam ut uxorem ejus. Qui Juratores dicunt quod predictus Simon semper tenuit dictam Matildam ut uxorem suam, & dicunt quod nunquam dictam

dilectam Matildam, matrem dictæ Agnetæ desponsavit; Sed dicunt quod prædictus Simon aliquo tempore captus fuit per amicos prædictæ Matildæ in Camera Fornicando cum ipsis Matilda, per quod compellebatur unum de tribus facere, uxorem vel ipsam affidare, vel vitam suam amittere, vel ipsam Matildam retro osculare; ita quod ipse Simon ibidem dedit fidem suam prædictæ Matildæ, matri prædictæ Agnetæ, quod ipsam desponsare debuit, sed ipsam nunquam alio modo desponsavit, &c. Ideo prædicta Matilda de Kingsford soror prædictæ Simonis recepit scilicet de i Massuag. &c. in Shepley, &c. Adam Curdon & alii in misericordia. Pasch. 4 Ed. 1. Rot. 7. Sussex.

Horsprise, (Forprisum, from the Fr. *For*, i. Extra & Prise captio,) An exception, or reservation; In which sense it is used in the Stat. of Exon. 14 Edw. 1. but there written Horsprise: We still use it in Conveyances and Leases, wherein Excepted and Forprised is an usual expression.

Ceſt Indenture fet entre Monsieur John Blount Chevalier le Eſyne dune part, & Dame Johan Fouleſhurst d'autre part, Testmoigne, que mesme les parties ſont iſſint affentuz, accordez, & affuez, que John Blount ſits & hein a dit Monsieur John deuy eſpouſera, & prendera a femme Isobel la filie de dite Dame du ſi briefe & deue temps, que la dite Dame a ces properes cuſtumes videra ordigner & feire, iſſint que le dit Dame paye a dit Monsieur John xx Markes a temps de l'eſpouſels, & xl. Liures a certeyne de pay, compris en un Obligation le quelle le Dite Dame a fait a dit Monsieur John, &c. Pour quel payment le dit Monsieur John enfeoffera ou ferá enfeoffer les ſuſſaints John ſon fils, & la dite Isobel de ſon Manner iouſte Urtesefather, appelle Blounts place, enſemblement ove toutes autres terres, tenements, rentes, ſervices, &c. Forprise le Parke, &c. appelle Blounts Parke, &c. A avoir, & tener a dit John ſon fils, & Isobel & les beyres que mesmes cely John des Corps de meſme cely Isobel engendra, &c. Donnce ſouth les ſcales, &c. le jour de St. Luke, L'an de R. le Roy Henry 4 diſme. Penes Wal. Kirkham-Blount Baronet.

Forrein, Used for Forreiner. Anno 34 & 35 Hen. 8. ca. 18. See Forein.

Forschoke, (Derelictum,) Signifies originally as much as forsaken in our modern language. It is ſpecially uſed in one of our Statutes, for Land or Tenements feiſed by the Lord, for want of Services due from the Tenant, and ſo quietly held and poſſeſſed beyond the year and day. As if we ſhould ſay, that the Tenant, who, ſeeing his Land or Tenements taken into the Lords hand, and poſſeſſed ſo long, takes not the course appointed by Law to recover them, does, in due presumption of Law, diſavow or

forsake all the right he has to them; And then ſuch Lands shall be called Forschoke, ſayes the Stat. 10 Edw. 2. ca. unico.

Foſſes, (Catadupa,) Water falls. Cam. Brit. iii. Westnorland.

Forſtal, (Foreſtallimentum,) Is to be quit of Amerciaments and Cattel arreſted within your Land, and the Amerciaments thereof coming, ſayes the Termes of the Law: But, the Learned Spelman ſayes, 'tis *Via obſtrūcio*, vel *itineris interceptio*; with whom agrees Coke on Litt. fol. 161. b. In Domesday 'tis written Forſtel. — *Dedique eis Forſtallum, quod eſt ante portum ipſorum, liberum atque quietum, & terram qua jaceret ex utraque parte ejusdem Forſtalli, &c.* Mon. Angl. 2 Part. fol. 112. 60.

Forſtalling, (*Viarum obſtrūcio*, a Sax. papi.) *Via, & itcl,* Signifies the baying or bargaining for any Corn, Cattel, or other Merchandise, by the way, before it comes to any Market or Fair to be ſold, or by the way, as it comes from beyond the Seas, or otherwise, toward any City, Port, Haven, or Creek of this Realm, to the intent to ſell the ſame again at a more high and dear price. 51 H. 2. Stat. 6. West, Part. 2. Symbol. tit. Inditements, Sect. 64. — **Forſtaller,** (in Cromptons Jurisd. fol. 153.) Is uſed for ſtopping a Deer, broken out of the Forest, from returning home again, or laying between him and the Forest, in the way he is to return. Fleta ſays, *Significat obtrusio nem via vel impedimentum transitus & fuga averiorum*, lib. 1. ca. 47. See Regrators & Engroſfers. Who ſhall be adjudged a Forſtaller ſee in 3 & 6 Edw. 6. ca. 14. Forſtal eſt, ſe aliquis portaverit Halec vel bujusmodi res ad forūm, & statim alius veneris & emerit ab ipſo illas res, ut carius vendat, Prior habebit emendas ab ipſo. Ex Reg. Priorat. de Cokesford. See 3 Part. Inst. fol. 195.

Forſtility, (Forſtitium vel Forteſtium,) (— Within the Towns and Fortilitiess of Berwick and Carlile. Anno 11 Hen. 7. ca. 18.) Signifies a fortify'd place, a Bulwark, Castle, or Fortlet.

Forſtet, (Fr.) A place of ſome strength, a little Fort. Old Nat Br. fol. 45.

Fossa et Furca. See Furca.

Foſſatum, (Lat.) A Ditch, or a place fenced with a Ditch or Trench. — *Ex dono Hen. Regis avi noſtri unum Fosſatum tam largum, quod naues poſſint ire & redire a flumine de Withonia uſque ad Tupholme.* Carta 20 Hen. 3. m. 9. where it ſeems to ſignifie a (cut) River.

Foſſe-way, (from Fosſus, digged,) Was anciently one of the four grand High-wayes of England; ſo called, becauſe 'tis conceav'd to be digg'd, or made paſſable by the ancient Romans, or Ditch'd at leaſt on one ſide, but, now ſeveral inferior High-wayes are ſo called. See Watlingſtreet.

Foſter-land, (Sax.) Land-given, assigned, or allotted to the finding of Food or Viſtuals, as in Monasteries for the Monks.

Fother or Fodder (Sax.) Is a Weight (of Lead) containing Eight Pigs, and every Pig One and twenty Stone and a half, which is about a Tun, or a common Wain or Cart Load. Speight in his Annotations upon Chaucer. I finde also in the Book of Rates, mention of a Fudder of Lead, which (according to Skene) is about Sixscore and eight Stone.

Founder (from *fundere*, to pour) Is he that melts Metal, and makes any thing of it, by pouring or casting it into a Mold. Anno 17 Rich. 2. cap. 1.

Fourcher (Fr. *fourchir*, i. *titubare lingua*) Signifies a putting off, prolonging or delay of an Action: And it appears no unpleasant Metaphor; for, as by itammering we draw out our speech, not delivering that we have to say, in ordinary time, so by *fourching*, we prolong a suit that might be ended in a shorter space. In Westm. 1. cap. 42. you have these words, **Coparceners and Jovtenants shall no more fourch, but onely shall habe one Essoyn, &c.** And Anno 6 Edw. 1. cap. 10. it is used in the same sense. — **The Defendants shall be put to answer without fourching, &c.** Anno 23 Hen. 6. cap. 2. See 2 Part. Inst. fol. 250.

Footgeld or **Footgeld** (Compounded of two German words, *foeg*, i. *pes*, and *gyldan*, i. *solvere*, q. *pedis redemptio*) Signifies an Amercement for not cutting out the Balls of great Dogs Feet in the Forest. See *Expedite*. And to be quit of *Footgeld*, is a priviledge to keep Dogs within the Forest, unlawed, without punishment or control. Cromptons Jurisd. fol. 197. *Manwood*, part 1. pag. 86. This priviledge was allowed in *Affif. Forest. de Pickring*. 10 Edw. 3.

Fowles of Warren. See *Warren*.

Frampole Fences, Are such Fences as any Tenant, in the Mannor of *Writtel* in *Essex*, hath against the Lords Demeans; whereby he hath the Wood growing on the Fence, and as many Trees or Poles, as he can reach from the top of the Ditch with the Helve of his Ax, towards the repair of his Fence. I have heard the late Cheif Justice *Bramston*, whilst he was a Practiser and Steward of this Court, did acknowledge he could not finde out the reason why these Fences were called *Frampole*. *Fiam* in Saxon signifies *from*, which seems to make out the etimology; or it may come from the Sax. *Fne* profitable.

Franchise (Fr.) Is sometimes taken for a priviledge or exemption from Ordinary Jurisdiction, and sometimes an immunity from tribute. It is either Personal or Real, (Cromps. Jurisd. fol. 14.) that is, belonging to a person immediately, or else by means of this or that place, or Court of Immunity, whereof he is either Cheif, or a Member. In what particular things Franchises commonly consist, see Britton, cap. 19. **Franchise Royal** (Anno 15 Rich. 2. cap. 4. and 2 Hen. 5. cap. 7. in Fine) Seems to be that where the Kings Writ runs not, as *Chester* and *Durham*, which are called *Seignories Royal*, Anno 28 Hen. 6. cap. 4. And formerly

Tyndall and **Exambshire** in *Northumberland*. 2 Hen. 5. cap. 5. **Franchise Royal** (according to another Author) is where the King grants to one and his heirs, that they shall be quit of Toll, or such like. See *Franchise* in the *New Book of Entries*, and *Braffon*, lib. 2. cap. 5. See *Sac.*

Francigena. See *Englecerie*.

Franceling. *Qui liberè tenet.* A Freeholder. Vide *Fortescu de LL. Angl.* cap. 29.

Frank-almoyn (Fr. *Franc-ausmone*) Is a Tenure or Title of Lands or Tenements bestowed upon God, that is, given to such people, as devote themselves to the Service of God, in pure and perpetual Alms; whence the Feoffors or Givers, cannot demand any terrestri-Service, so long as the Lands remain in the hands of the Feoifees. *Grand Custumary of Norm.* cap. 32. Of this you may read *Braffon* at large, lib. 2. cap. 5. & 10. and *Fitz. Nat. Br.* fol. 211. *New Book of Entries*, *verbo*, *Frank-almoyn*. But *Britton* (cap. 66. num. 5.) makes another kinde of this Land which is given in *Alms*, but not free *Alms*, because the Tenants in this are tied in certain Services to the Feoffor.

Frank-bench. See *Freebench*.

Frank-chase (Fr.) Is a liberty of *Free chase*, whereby all Men, having ground within that compas, are prohibited to cut down Wood, &c. Without the view of the Forester, though it be his own Demein. *Cromp. Jurisd.* fol. 187.

Frank-fee (*Feudum Liberum*) Is (by Broke, tit. *Demesn*, num. 32.) thus expressed; That which is in the hand of the King or Lord of any Mannor, being Ancient Demein of the Crown (viz. the *Domesns*) is called *Frank-fee*, and that in the Tenants hands is ancient Demesns only. See *Reg. of Writs*, fol. 12. 2. which says, that is *Frank-fee* which a Man holds at the Common Law to him and his Heirs, and not by such Service as is required in Ancient Demein, according to the custom of the Mannor. And that the Lands which were said to be in the hands of King Edward the Confessor, at the making of *Domesday Book*, is Ancient Demesn, and all the rest *Frank-fee*; wherewith *Fitzherbert* agrees (*Nas. Br. fol. 161.*) So that all the Lands in the Realm by this Rule, are either *Ancient Demesn* or *Frank-fee*. Another defines *Frank-fee* to be a Tenure in Fee-simple of Lands, pleadable at the Common Law, and not in Ancient Demesn. *Feudum francum est, pro quo nullum seruoitum prestatur Domino*, says *Fachineus*, lib. 7. cap. 39.

Frank-farm (*Firma Libera*) Is Land or Tenement wherein the nature of Fee is changed by Feofment out of Knights-service, for certain yearly services; and whence neither Homage, Wardship, Marriage, nor Relief may be demanded, nor any other Service not contained in the Feofment. *Britton*, cap. 66. num. 3. See *Fee-farm*.

Frankfold, Is where the Lord hath the benefit of folding his Tenants Sheep within his Mannor,

Mannor, for the Manuring his Land. *Keil.*
Rep. fol. 198. a. *Quod vassalis olim & Usu-*
fructuarium denegatum, Maneriorum & prædiorum
Dominis solum componebat, says Mr. Sommer. It
is compounded of the Fr. *Franc*, i. free; and the
Sax. *Fald*, i. a Fold. See *Faldage*.

Frank-Law (*Liberis Lex*) Is the benefit of the Free and Common Law of the Land. He that for any offence, as Conspiracy, &c. loseth his *Franc-Law*, is said to fall into these mischeifs; first, That he may never be empannel'd upon any Jury or Assise, or otherwise used in testifying any truth. Next, if he have any thing to do in the Kings Court, he must not approach it in person, but appoint his Attorney. Thirdly, his Lands, Goods, and Chattels, must be seised into the Kings hands, and his Lands must be Estreaped, his Trees rooted up, and his Body committed to prison. Thus *Crompton in his Just. of Peace*, fol. 156. Who cites the Book of *Assises*, fol. 59. See *Conspiracy*.

Frank-marriage (*Liberum Maritagium*) Is a Tenure in Tail-special, growing from these words in the gift. *Sciens, &c. me I. B. de O.*
dedicavi & concessisse, & presenti Charta mea con-
firmasse A. B. filio meo & Mariae uxori ejus,
filie vere C. D. in liberum maritagium unum
Messuagium, &c. West, par. 1. Symbol. lib. 2.
fol. 303. The effect of which words is, That they shall have the Land to them, and the heirs of their Bodies, and shall do Fealty to the Donor, until the fourth degree. *Glanvile, lib.*
7. cap. 18. and *Braeton, lib. 2. cap. 7. num. 4.* where he divides *Maritagium*, in *liberum*, & *ser-
vizio obligatum*. See *Marriage*. *Fleta* gives this reason why the heirs do no service until the fourth degree, *No Donatores vel eorum heredes per tamagii receptionem, a reverzione repellantur*. And why, in the fourth descent and downward, they shall do service to the Donor, *Quia in
quarto gradu vobementer presumitur, quod terra
non est pro defectu heredum Donatoriorum rever-
sura, lib. 3. cap. 11.*

Frank-pledge (from the Fr. *Frank*, i. *Liber* & *Pleige*, i. *Fidejussion*) Signifies a Pledge or Surety for Freeman. The ancient custom of England for preservation of the Publick Peace, was, that every tree-born Man, at fourteen years of age (Religious persons, Clerks, Knights, and their eldest Sons excepted) should finde Surety for his Truth, towards the King and his Subjects, or else be kept in Prison; whereupon a certain number of Neighbors became customably bound one for another, to see each Man of their *Pledge* forth coming at all times, or to answer the Transgression committed by any gone away. So that who ever offended, it was forthwith enquired in what *Pledge* he was, and then those of that *Pledge*, either brought him forth within thirty one days to his answer, or satisfied for his offense. This was called *Frank-pledge*, and the circuit thereof *Decenna*; because it commonly consisted of ten households; and every particular person thus mutually bound for himself, and his Neigh-

bors, was called *Decennier*; because he was of one *Decenna* or other. This custom was so kept, that the Sheriffs, at every County Court, did from time to time take the Oaths of young ones, as they grew to Fourteen years of age, and see, that they were settled in one *Duxin*, or another; whereupon this Branch of the Sheriffs Authority was called *Visua Franci-plegi*, *View of Frank-pledge*. See the Statute for *View of Frank-pledge*, *Anno 18 Edw. 2.* See *Decennier, Leet, View of Frank-pledge*, and *Friborgb.* What Articles were wont to be enquired of in this Court, see in *Horns Mirror*, lib. 1. cap. *De la Veneu des Francs-pledges*; and what those Articles were in ancient times, see in *Fleta*, lib. 2. cap. 52. See also 2 Part. Inst. fol. 73.—And if there be any persone within the Ward, that is not under *Franc-pledge*, that is to saye under loue and Lawe, &c. Out of an *Ancient Charge of the Queen of Ward-*
mo:e in every Ward in London.

Free-bench (*Franc-bank*, *Francus Bancus*, i. *Sedes Libera*) Signifies that estate in Copihold Lands which the Wife, being espoused a Virgin, hath, after the death of her Husband, for her Dower, according to the custom of the Mannor (*Kitchin, fol. 122.*) At *Uerton* in the County of Hereford, the relict of a Cop holdenant, is admitted to her *Free-bench*, that is, to all her Husbands Copihold Lands, during her life, the next Court after her husbands death. *Braeton, lib. 4. tract. 6. cap. 13. num. 2* hath these words. *Confucius est in partibus illis, quod uxores maritorum defunctorum habeant Francum Bancum suum de terris Sockmannorum, & tenent nomine dote.* *Fitzherbert* calls it a *Custom*, whereby in certain Cities the Wife shall have her Husbands, whole Lands, &c for her Dower. *Nat. Br. fol. 150.* See *Plewden, Casu Novis*, fol. 411.

Of this *Free-bench*, several Mannors have several customs; As it is the custom of the Mannors of *East* and *West Enburn* in the County of Berks; That if a Customary Tenant dye, the Widow shall have her *Free-bench* in all his Copinold Lands, *Dum sola & casta fuerit*, but if she commit Incontinency, she forfeits her estate; yet if she will come into the Court riding backward on a Black Ram with his tail in her hand, and say the words following, the Steward is bound, by the Custom, to re-admit her to her *Free-bench*.

*Here I am,
Riding upon a Black Ram,
Like a Whore as I am.
And for my Crincum Crancum
Habe lost my Binkum Bankum.
And for my Tails Game,
Habe done this Woruldly shame.
Therefore I pray you Mr Steward let me
habe my Land again.*

The like Custom is in the Mannor of *Tyr* in *Devonshire*, and other parts of the West.

Free-bord, (Francbordus,) — *Et totum boscum quid vocatur Brendewode, cum Francbordo duorum pedum & dimid. per circuitum illius bosci.* — Mon. Angl. 2 Part. fol. 241. a. In some places more, in some less, is claimed as a Free-bord, beyond, or without the Fence.

Free-chappel (*Libera Capella*) Is (in the opinion of some) a Chappel founded within a Parish for the Service of God, by the Devotion and Liberality of some good Man, over and above the Mother Church, to which it was free for the Parishioner to come, or not, and endowed with maintenance by the Founder, and therefore called *Free*. Others say, and more probably, that those only are *Free-chappels*, which are of the Kings Foundation, and by him exempted from the Jurisdiction of the Ordinary; but the King may licence a Subject to found such a Chappel, and by his Charter exempt it from the Ordinaries Visitation also. That it is called *free*, in respect of its exemption from the Jurisdiction of the Diocesan, appears by the Register of Writs, fol. 40 and 41. These *Chappels* were all given to the King with Chantries also, Anno 1 Edw. 6. ca. 14. *Free-Chappel* of St. Martin le Grand. Anno 3 Ed. 4. ca. 4. & 4 Ed. 4. ca. 7.

Freedstoll. See *Fridstoll*.

Freehold, (*Liberum tenementum*,) Is that Land or Tenement which a Man holds in Fee, Fee-tayl, or for term of life. *Braffon*, lib. 2. ca. 9. And it is of two sorts; *Freehold in Deed*, and *Freehold in Law*: The first is the real Possession of Land or Tenement in Fee, Fee-tail, or for Life; The other is the right that a Man has to such Land or Tenement before his entry or seizure. *Freebold* is likewise extended to those Offices, which a Man holds either in Fee, or for life. *Britton* defines it to this effect, *Franktenement* is a possession of the Soyl or services issuing out of the Soyl, which a Freeman holds in Fee, or at least for life, though the Soyl be charged with free-services, ca. 32. *Freebold* is sometimes taken in opposition to *Villenage*.

Lambert, (in his explication of Saxon words,) *Verbo Terra ex scripto*, says, Land, in the Saxons time, was called, either *Wockland*, that is, holden by Book or Writing; or *Folc-land*, held without Writing: The former he reports was held with far better condition, and by the better sort of Tenants, as Noblemen and Gentlemen, being such as we now call *Freebold*: The latter was commonly in the possession of Clowns, being that which we now call, *at the will of the Lord*; *Reg. Judic. al.*, fol. 68. a. says, That he, who holds Land upon an execution of a Statute-Merchant, until he be satisfyd the Debt, *Tenet ut liberum tenementum sibi & assignatis suis*; and fol. 73, the same of a Tenant *per Elegit*; where, I conceive, the meaning is, not that such Tenants are *Freeholders*, but, as *Freeholders* for their time, until they have receiv'd profits to the value of their Debt. *Freeholders* in the ancient Laws of

Scotland, were called *Milites*, according to *Skene*, verbo, *Milites*.

Frenchman, (*Francigena*,) Was anciently used for every stranger. *Braffon*, lib. 3. Tract. 2. ca. 15. See *Englecery*.

Frendles man, Was the old Saxon word for him whom we call an *Out-law*; The reason was, because he was, upon his exclusion from the Kings Peace and protection, deny'd all help of friends after certain days. *Nam foris fecis amicos*. *Braffon*, lib. 3. Tract. 2. ca. 12. num. 1. says thus; *Talem vocans Angli Utlaugh, & alio nomine antiquitus solet nominari friendles-man*, & sic videtur, quod foris fecit amicos; & unde, *si quis talen post utlagatariam & expulsione scilicet paverit, receptaverit, vel scilicet communicaverit aliquo modo, vel occultaverit, eadem pena puniri debet, qua puniuntur uslagatus; ita quod caret omnibus bonis suis & vita, nisi Rex ei parcat de gratia sua*.

Frendwite vel Infeng, *Significat quietiam prius prisae ratione convivii*. *Fleta*, lib. 1. ca. 47.

Fresh disseisin, (from the Fr. *Fraiz*. i. *Recens*, & *disseisir*. i. *Possessione ejicere*,) Signifies that *Dissesin*, which a man may seek to defeat of himself, and by his own power, without the help of the King or Judges, and which is not above fifteen dayes old. *Braffon*. ca. 5.. Of this you may read *Braffon*, lib. 4. ca. 5. at large, concluding, that it is arbitrary.

Fresh fine, Is that, which was levied within a year past. *Westm.* 2. ca. 45. Anno 13 Edw. 1.

Fresh force, (*Frisca fortia*,) Is a force done within forty dayes, *Htz. Nat. Br.* fol. 7. For, if a man be *Disseisid* of any Lands or Tenements within any City or Borough, or deforced from them after the death of his Ancestor, to whom he is heir, or after the death of his Tenant for Life, or in Tayl, he may, within forty dayes after his title accrued, have his remedy by an Assise or Bill of *Fresh force*. See *Old. Nat. Br.* fol. 4. a.

Fresh suit, (*Recens insecuratio*,) Is such a present and active following an Offender, as never ceases, from the time of the Offence committed or discover'd, until he be apprehended: And, the benefit of the pursute of a Felon, is, That the party pursuing shall have his Goods restored him, whereas otherwise they are the Kings; of this see *Statut. Pl. Cor.* lib. 3. ca. 10 and 12. where you shall find what suit is to be accounted *fresh*, and what not. The same Author, (lib. 1. ca. 27.) saith, that *fresh suit* may continue for seven years. See *Cokes Reports*, lib. 3. *Rigways Case*. *Fresh suit* is either within the view or without. For *Manwood* says, That upon *fresh suit* within the view, trespassers in the Forest may be attached by the Officers pursuing them, though without the limits of the Forest, pa. 2. ca. 19. num. 4.

Friar, or Frier, (Lat. *Frater*. Fr. *Frere*. i. A Brother) an Order of Religious persons, of which these are reckoned the principal Branches,

Branches, Anno 4 H. 4. ca. 17. viz: Minors, Grey-Friers, or Franciscans; Augustins; Dominicans, or Black-Friers; and White-Friers, or Carmelites, from which the rest descend. See Zecchini de Repub. Eccles. p. 380, and Linwood, tis. de relig. Domibus, c. i. verbo, Sancti Augustini.

Friburgh, alias **Friborg**, (from the Sax. pñp. i. Pax. and bonge. i. Fidejissor.) Is the same with **Francpledge**, the one being in use in the Saxon's time, the other since the Conquest; wherefore, for the understanding this read **Frankpledge**, and the Laws of King Edward, set out by Lambert, fol. 232. in these words; *Præterea est quadam summa & maxima securitas, per quam omnes statu firmissimo sufficiuntur, viz. ut uniusquisque stabilitate sub fidejussionis securitate, quam Angli vocant, (Freoborghes,) soli tamen Eboracenses dicunt eandem (Lienmannatale) quod sonat latine decem hominum numerum, &c.* Bratton mentions **Fridburgum**, lib. 3. Tratt. 2. ca. 10. in these words, *Archiepiscopi, Episcopi, Comites & Barones & omnes qui babent Soc & Sak Tol & Team, & hujusmodi libertates, milites suos & proprios servientes, Armigeros, &c. Dapiferos, & pincernas, camerarios, coquos, pistores, sub suo Fridburgo habere debent. Item & isti suos armigeros & alios sibi servientes; quod si cui foris fecerint, ipsi Domini sui habent eos ad rectum, & si non habuerint, solvant pro eis foris facturam.* Et sic observandum erit de omnibus aliis qui sunt de alicuius manupastu. Where we learn the reason, why Great Men were not combined in any ordinary Dozein; because they were a sufficient assurance for themselves, and for their menial servants, no less then the ten were one for another in ordinary Dozeins. See Skene verbo **Freiborgh**. Fleta writes it **Friborgh**, and useth it for the principal man, or at least for one of the Dozein, lib. 1. ca. 47. See Hoveden parte poster. Annal. in Hen. 2. fol. 345. But Spelman makes a difference between **Friborg** and **Friborg**, saying, The first signifies *libera securitas*, or *fidejusso*; the other *pacis securitas*.

Fridstoll et Friblow, (from the Sax. pñp. pax; tol, sedes, cathedra, top, locus) A Seat, Chair, or place of Peace. In the Char-

ter of Immunities granted to the Church of St. Peter in York, confirmed Anno 5 Hen. 7. **Fridstol**, is expounded *Cathedra quietudinis & pacis*: Of these there were many others in England, bat, the most famous at Beverley, which had this Inscription, *Hæc sedes lapidea Freedstoll dicitur, i. Pacis Cathedra, ad quam reus fugiendo perveniens, omnimodam abet securitatem. Cantic.*

Frier observant, (Frater observans,) Is a branch of the Franciscans, which are *Minores tam observantes quam conventuales & Capuchini*. These we find spoken of An. 25 Hen. 8. ca. 12. who are called *Observants*, because they are not combined together in any Cloister, Covent, or Corporation, as the *Conventuals* are; but, only by themselves to observe the Rules of their Order, and more strictly then the *Conventuals* do; and, upon a singularity of zeal, separate themselves from them, living in certain places of their own chusing; of whom you may read *Hospinian de Orig. & progress. Monachatus. ca. 28 fol. 878.*

Friperer, (Fr. Friper. i. Interpolator,) One that furbushes and scowers up old Apparel to sell again. It is used for a baskardly kind of Broaker. Anno 1 Jac. ca. 21.

Frithbzech, (Sax.) *Pacis violatio. I.L. Ethicredi. ca. 6.* See **Frythe**.

Frithburgh. See **Friburgh**.

Frithmore — Per Frithmote Jo. Stanley Ar. clamat capere annuatim de villa de Olton, quæ est infra Feodium & Manerium de Aldford infra Forestam de la Mara x. sol. quo's Comites Cestria ante concessionem Carta prædicta solebant capere. PL in Itin. apud Cestriam. 14 Hen. 7.

Frithsone et Frithsoke, (Sax. pñp. i. Pax. & socne, Libertas,) Tuendæ pacis jurisdictio; or, (according to Fleta) *Libertas habendi franci plegi*; or, *immunitatis locus*.

Froborg, or Freoburgh, (from the Sax. pñeo, i. Free; and bonge. i. Fidejissor.) See **Friburgh** and **Franc-pledge**.

Frodmortel, rectius **Fremortel**, (from the Sax. pñeo, Free, and Mord, Murder) An Immunity or Freedom granted for Murder or Man-slaughter.

Carta Adelstani Regis, Sancto Wilfrido de Rippon concessa.

Wyt all that es and es gan
Pat is King Adelstan
As giben als frelith as I may
And to ye Capitel of Seint Wilfrid
Of my free Devotion
Pair peers at Rippon

* Makes it a
Sanctuary.
* Sedes pacis.

On ilk side the * Byrke a mile
Foz all ilk deeds and ylke appyle
And within pair Byrke yate
At ye stan pat * Gritstole hate.
Within ye Byrke doze and ya quare
Pair habe peers for les and mare.
Alkan of yis stedes sal habe peers
Of Frodmortel and il deedes

* Fire and Pat pair don is, Tol, Tem,
water, Ordal. With * Iron and with Water deme,

* Free from
Tax and Tri-
bute.
* Frithsoke, or
place of Im-
munity.

Ex Monast.
Angl. i pa.
fol. 172. b.

And pat ye Land of Seint Wilfrai
Of alsyn * geld fre sal be ay.
At nai nan at langes me to
In pair * Herpsac sal haue at do
And for is will at yai be sauve
I will at pai alsyn freedome haue :
And in all thinges be als free
As hert may think, or ergh may se
At te potowr of a Kinge
Wolts make free any thyng.
And my seale haue I sat yerto
For I will at no man it undo.

Frumyld (Sax.) *Prima capitatis estimationis pensio vel solutio.* The first payment made to the Kinred of a slain person, in recompence of his Murder. *LL. Edmundi, cap. ult.*

Frum-stol (Sax.) *Sedes primaria,* the cheif Seat or Mansion-House; by some called the *Fume-stal.* *LL. Ina Regis, cap. 38.*

Frustrura (from the Fr. *Froissure*) A breaking down or demolishing — *Dedi eis nonam garbam tam in Frusuris, que de novo fuit, quam in Sc. Mon. Angl. 2 Par. fol. 334. b.*

Frustrum terræ, A small peece of Land. *Residuum quiddam præter acras numeratas vel campum mensuratum. Cum in Domesday Frustrum terra accipiatur pro ampla portione scorsum à campo, villa, Mancio jacenti. Domesday, tit. Hantise. Rex. Abedestone. In Insula habet Rex unum Frustrum terra unde exemit 61. Vomeres. lego Frustum. Spelm.*

Fryth. Sir Edward Coke (on *Littl. fol. 5. b.*) expounds it, a Plain between two Woods, a Lawnd. *Chaucer uses it for a Wood. Camden* (in his *Britan.*) for an Arm of the Sea, or great River, — *Maketh bis issue into the Estuary or Frith of Thames. Smith* (in his *Englands Improvement*) makes it signifie all Hedg-wood, except Thorns. How to reconcile these, I know not; but am sure the Saxon *Epij*, signifies Peace.

Frythborgh, from the Sax. *Epij*, i. *Pax*, and *bōnge*, *fideiussor.* — *Et sunt quieti de Frythborgh, & de Blodewite, Fithwyte, & Ferdywyte, &c. Record. Pasch. 6 Hen. 4. Rot. 24.* It might here signifie a Freedom from giving security of the Peace.

Fuage or Focage (a *foco*) In the Reign of Edward the Third, the Black Prince of Wales, having Aquitaine granted him, laid an Imposition of Fuage or Focage upon the Subjects of that Dukedom, viz. A shilling for every Fire, called *Hertb-Silver.* *Rot. Parl. 25 Edw. 3.*

Fuer (Fr. *fuir*, Lat. *fugere*) Though it be a Verb, yet it is used substantively, and is twofold, *Fuer en feit, (in facto)* when a Man does apparently and corporally flee; and *Fuer en ley (in lege)* when, being called in the County, he appears not until he be outlawed, which is flight in the interpretation of Law. *Statf. Pl. Cor. lib. 3. cap. 22.*

Fugacia, Signifies a Chase, and is all one with *Chasea.* *Charta Matildis Imperatricis Milioni de Glouc.*

Fugitives Goods (*Bona fugitivorum*) Are the proper Goods of him that flies upon Felony, which, after the flight lawfully found, do belong to the King, or Lord of the Mannor. *Coke, vii. 6. fol. 109. b.* See *Waif.*

Fumage (Fr.) *Fumagium*) Dung, or a Manuring with Dung. — *Et sunt quieti de Fumagio & Mareno cariando, &c. Carta R. 2. Priorat. de Hertland. Pat. 5 Ed. 4. par. 3. m. 13.*

Fumathoes or Fumadoes (14 Car. 2. cap. 31.) Our Pilchards, garbaged, salted, hanged in the *smoak*, and pressed, are so called in *Italy* and *Spain*, whither they are carried in great numbers.

Furca (*Seucatafurcia, & fessa, i. Gallows and Pit.* In ancient Priviledges it signified a Jurisdiction of punishing Felons, that is, Men with Hanging; Women with Drowning: Of which last, take this notable example out of the Records of *Rochester Church*, in the time of *Gilbert*, Bishop there, who flourished under Richard the First. *Anno 1200.*

Item duo mulieres venerunt in villam de Suffliete, que furata fuerunt multos pannos in villa de Croindone, & secuti sunt eas homines ejusdem villa de Croindone, quorum pannos furivere asportarunt usque in villam de Suffliete, & ibi captæ fuerunt & incarcerated, & habuerunt judicium suum in Curia de Suffliete, ad portandum calidum ferrum, quarum una fuit salva, & altera damnata, unde submersa fuit in Bipepole. Et hoc totum contigit tempore Gilberti Domini Episcopi, & in qualibet judicio fuerunt Coronarii Domini Regis. Et Paulus de Stanes fuit tunc Cacherellus de Hundredo de Actiane. Et per illud tempus Robertus de Hechan Monachus fuit custos de Manorio de Suffliete, & ad mulieres judicandas fuit Dominus Henricus de Cobham, & alii plures homines, discreti homines de Patria. Fossa is taken away, but Furca remains, says Sir Edward Coke in his 3 Inst. fol. 8.

Furlong (Sax. *Fuplāng*) Is a quantity of Ground, containing for the most part, forty Perches, or Poles in length, and every Pole sixteen foot and a half, eight of which Furlongs make a Mile. *Anno 33 Edw. 1. cap. 6.* It is otherwise, the eighth part of an Acre; yet I finde in an old Book, Printed in Henry the Eighth's time, That Six hundred Foot, by fivescore to the Hundred, make a Furlong. See *Acre.* In the former signification, the Romans call it *Stadium*, in the later *Jugerum*.

Furlong,

Furlong, is sometimes used for a piece of Land of more or less Acres. *Omnibus Christi Fidel.* — *Johannes Blount de Eye Arm.* — *Dedit Thome Craft & Francisco Lovel Arm.* unum Forlongum terra arabilis continen. per estimationem quatuor Acres, &c. Dat. 20 Jan. 3 Eliz.

Furnage (*Furnagium*, Fr. *Fournage*) Est tributum quod Domino furni a settatoribus penditur ob furni usum. Multis enim in locis tenentur vascula ad coquendum panes suos in furno Domini. Est etiam lucrum seu emolumens quod pistori conceditur in pisionis sumptus & mercedem. Et tunc potest pistor de quolibet quartierio frumenti lucrare 4 Den. & furfur, & duos panes ad furnagium. Assisa panis & Cervisiae. Anno 51 Hen. 3. See *Fornagium*.

Furr (from the Fr. *fouer*, i. pelliculare, to line with Skins) The Stat. 24 Hen. 8. cap. 13. mentions divers kindes of it; as *Sables*, which is a rich Fur of colour between Black and Brown, being the Skin of a Beast called a *Sable*, of bigness between a Polecat, and an ordinary Cat, and of fashion like a Polecat, bred in *Russia*; but most and best in *Tartaria*. *Lucerns*, which is the Skin of a Beast so called, being near the bigness of a *Woolf*, of colour between Red and Brown, and mingled with Black-spots, bred in *Muscovia* and *Russia*, and is a very rich Fur. *Genets*, that is the Skin of a Beast so called, of bigness between a Cat, and a *Weezle*, mailed like a Cat, and of that nature, bred in *Spain*; whereof, there are two kindes, Black and Grey, and the Black the more precious, having black spots upon it hardly to be seen. *Foins* is of fashion like the *Sable*, bred in *France*, for the most part; the top of the Fur is Black, and the Ground whitish. *Martern*, is a Beast very like the *Sable*, the Skin something courser, the best are in *Ireland*. *Miniver*, is nothing but the Bellies of Squirrels, as some say; others say it is a little Vermin, like a *Weezle*, Milk white, and comes from *Muscovia*. *Fitch*, is that which we otherwise call the Polecat. *Shanks* are the Skin of the Shank or Leg, of a kinde of Kid, which bears the Fur, we call *Budge*. *Calaber*, is a little Beast in bigness near a Squirrel, of colour Grey, and bred most in *High Germany*.

Fustic, A kinde of Wood, which Dyers use, and is brought from *Barbadoes*, *Jamaica*, &c. Mentioned 12 Car. 2. cap. 18.

G.

Gabel (*Gabellia*, *Gablum*. Sax. *Safol* alias *Safel*, Fr. *Gabelle*, i. *Vettigal*) hath the same signification among our old Writers, as *Gabelle* hath in *France*; for *Camden* (in his *Britan*, pag. 213.) speaking of *Wallingford*, says, *Continebat 276 bagas*, i. *Demos reddentes novem libras de Gablo*. And pag. 228. of *Oxford*, thus, *Hec urbs reddebat pro Telenio & Gablo & aliis consuetudinibus per annum Regi quidem viginis*

libras & sex sextarins mellis; *comiti vero & Algario decem libras*. *Gabella* (as *Cassaneus* defines it, de *Consuetud*. *Burgund*. pag. 119.) est vettigal quod solvitur pro bonis mobilibus, id est, pro his qua rebuntur. ← Distinguishing it from *Tributum*, quia tributum est propriæ, quod fisco vel principi solvitur pro rebus immobilibus.

Gafold-gyld (Sax.) The payment or sending of Tribute or Custom. Also Usury.

Gafol-land alias **Gafulland** (Sax.) Terra censualis Land liable to Tribute or Tax; rented Land, or Land letten for Rent. *Sax. Dif.*

Gage (Fr.) Lat. *vadium* Signifies a Pawn or Pledge. *Glanville*, lib. 10. cap. 6. thus, *Quandoque res mobiles ponuntur in vadium, quandoque res immobiles* — And a little after, — *Inviadatur res quandoque ad terminum, quandoque sine termino*. Item quandoque inviadatur res aliqua in mortuo vadio, quandoque non — Though the word *Gage* be retained, as it is a Substantive, yet as it is a Verb, use hath turned the G. into W. So as it is oftner written *Wage*; as to *Wage Deliverance*, i. To give security, that a thing shall be delivered: For, if he that distained, being sued, have not delivered the Cattle that were distained, then he shall not onely avow the Distress, but *Gager Deliverance*, i. Put in surety, that he will deliver them. *Fitz. Nat. Br. fol. 74. D.* and 67 F. yet in some Cases he shall not be tied to make this security, as if the Cattle died in Pound. *Kytchin*, fol. 145. or if he Claim a Propriety in the Cattle sued for. To *Wage Law*, see *Law*. See *Mortgage*.

Gager Deliverance. See *Gage*.

Gager del Ley. See *Wage*, and *Wager of Law*.

Gagers. See *Gageors*. This word is mentioned in *Anno 12 Car. 2. cap. 4.*

Gainage (Lat. *Wainagium*, i. *Attus plaustris, vel plaustris apparatus*. Fr. *Gaignage*, i. The Gain or Crop of Tilled or Planted Grounds) Signifies the Draught-Oxen, Horses, Wain, Plough, and Furniture for carrying on the work of Tillage, by the baser sort of Soke-men and Villains; and sometimes the Land it self, or the profit raised by cultivating it. *Bratton*, lib. 1. cap. 9. (speaking of Lords and Servants) says — *Ut si eos destruant, quod saltuum non possit eis esse Wainagium suum* — And again, lib. 3. tract. 2. cap. 1. — *Villanus non amerciabitur, nisi salvo Wainagio suo*. For, anciently, as it appears both by *Mag. Char. cap. 14.* and other Books, The Villain, when amerced, had his *Wainage* free, to the end, the Plough might not stand still: And the Law for the same reason, does still allow a like Priviledge to the Husbandman, that his Draught-Horses and Oxen are not, in many Cases, distrainable. This in *Magna Charta*, cap. 14. is called *Wainage*. I finde in old *Nat. Br. fol. 117.* — *The Writ was abated for that the Osgang is always of a thing that lies in Gainor*. This word was onely used of Arable Land, because they that had it in occupation, had nothing of it, but the profit, and fruit raised of it by their own labor, towards their sustenance, nor any other Title, but

but at the Lords Will. *Gainer* again in the same Book, fol. 12. is used for a *Sokeman*, that hath such Land in his occupation. In the 32 Chapter of the *Grand Cusumary* — *Geigneurs* are *ruricole qui terras eleemzynatas possident*. And *Britton* weth *Gainer*, to *Plough or Till*, fol. 65. a. and 42. b. *West*, p. 2. *Symb. tit. Recoveries*, sect. 3. says a *Principio quod redditus lies* not for such and such things — *For they are not in Demesne, but in gain, &c.* Lastly, in the Statute of Distresses in the *Exchequer*, Anno 51. Hen. 3. I finde these words, *No man of Religion, nor other, shall be distrained by his Beatis that gain the Land.* See *Wainage*.

Gainery, (Fr. *Gaignerie*) *Tillage or Tilling*, or the profit raised of *Tillage*, or of the *Beasts* used therein. I have seen an old Lease that denisid *Omnes terras: prat. & pastur.* in *M. vulgo vocat. le Gainerie*, &c.

Gainure (*Westm. 1. cap. 6. & 17.*) *Tillage*. See *Gainerie*.

Galege (*Galica*) From the Fr. *Gâluches*, which signified of old a certain Shoo, worn by the *Gauls* in foul weather, as at present the signification with us, does not much differ. It is mentioned Anno 4 Edw. 4. cap. 7. And 14 & 15 Hen. 8. cap. 9.

Gallihalpens, Was a kinde of Coyn, which with *Huskings* and *Doithins* was prohibited by the Stat. 3 Hen. 5. cap. 1.

Gang-week. See *Rogation week*.

Gaol, From the Fr. *Geole*, i. *Caveola*. A Cage for Birds; and thence Metaphorically used for a Prison: So *Geolier*, whom we call *Gayler* or *Gaoler*.

Garb (*Garba*) Fr. *Carbe alias Gerbi*, i. *fascis*) Signifies a bundle or sheaf of Corn. *Charia de Foresta*, cap. 7. And *Garba sagittarum* is a Sheaf of Arrows. *Skene, verbo, Garba*. *De omni annona decima garba Deo debita est.* LL. *Edovardi Conf. cap. 8.*

Garbles (Anno 21 Jac. cap. 19.) Signifie the Dust, Soil, or Uncleaness, that is severed from good Spice, Drugs, &c.

Garbling of Bow-staves, Anno 1 Rich. 3. cap. 11. Is the sorting or culling out the good from the bad; As *garbling* of Spice, Drugs, &c. (1 Jac. cap. 19.) is nothing but to purifie it from the drofs and dust that is mixed with it; and to sever the good from the bad: It may come from the Italian *Garbo*, that is Fineries or Neatness. See 4 Inst. fol. 264.

Garbler of Spices (Anno 21 Jac. cap. 9.) Is an Officer of Antiquity in the City of London, who may enter into any Shop, Warehouse, &c. to view and search Drugs, Spices, &c. And to *garble*, and make clean the faune.

Garderobe. See *Wardrobe*, and 2 Inst. fol.

255.

Gard (Fr. *Garde*, Lat. *Custodia*) Signifies a custody or care of defence; but hath divers Applications; sometimes to those that attend upon the safety of the Prince, called the *Lifeguard*, and *Yeomen of the Gard*; sometimes to such as have the education and guardianship of

Infants or Idiots; sometimes to a Writ touching Wardship; of which there were three sorts; one called *Droit de gard*, the second *Ejectment de gard*, the third *Ravishment de gard*. *Fitz-Nat. Br.* fol. 139, 140. See *Ward* and *Guardian*.

Guardian or **Guardian** (Fr. *Gardien*, Sax. *Sapdung*, Lat. *Custos*) Signifies generally him that hath the charge or custody of any person or thing; but most notoriously him that hath the education or protection of such people as are not of sufficient discretion to guide themselves, and their own affaires, as Children and Ideots, being indeed as largely extended, as both *Tutor* and *Curator* among the *Civilians*. For whereas *Tutor*, is he that hath the Government of a Youth, until he come to fourteen years of age; and *Curator*, he that hath the disposition, and ordering of his substance afterward, until he attain to twenty five years, or that hath the charge of a frantic person, during his Lunacy; we use for both these a *Guardian* only, of which, we have, three sorts in England; one ordained by the Father in his last Will, another appointed by the Judge afterward: The third cast upon the Minor by the Law and Custom of the Land.

But the Ancient Law in this Case is, in a great measure, altered by the Statute of 12 Car. 2. cap. 24. which ordains that, *Where any person hath, or shall have any Childe or Childzen under the age of Twenty one years, and not married at the time of his death, it shall be lawful for the Father of such Childe or Childzen, whether born at the time of the decease of the Father, or at that time in ventre sa mere, or whether such Father be within the age of Twenty one years, or of full age, by Deed executed in his live time, or by his last Will and Testament in writing, in the presence of two or more credible Witnesses, to dispose of the Custody and Lutition of such Childe or Childzen, for, and during the time, he, or they shall remain under age, or any lesser time, to any Person, or Persons in Possession or Remainder, other then Papist Recusants; and such disposition shall be good against all Persons claiming such Childe as Guardian in Soccage, or otherwise, &c.* And in case the Father appoint no Guardian to his Childe, the Ordinary may appoint one to order his Movables and Chattels, until the age of fourteen years, and then he may chuse his *Guardian*: And for his Lands, the next of Kin, on that side by which the Land descends not, shall be *Guardian*, as heretofore, in case of a Tenure in Soccage.

Gardian, or **Guardian of the Spiritualities**, (*Custos Spiritualium vel spiritualitatum*) Is he, to whom the Spiritual jurisdiction of any Diocess is committed, during the vacancy of the See, Anno 25 Hen. 8. ca. 21. And, I take it, the *Gardian* of the *Spiritualities* may be either *Guardian* in *Law*, or *Jure Magistratus*,

as the Arch-bishop is of any Diocess within his Province; or *Guardian by Delegation*, as he whom the Arch-bishop, or Vicar-general does for the time deputate, *Anno 13 Eliz. ca. 12.*

Gardian of the Peace, (*Custos pacis.*) See *Conseruator of the Peace.*

Gardian of the Cinque-ports, (*Gardianus quinque portuum.*) Is a Magistrate that has the Jurisdiction of those Havens, which are commonly called the *Cinque-ports*; that is, the five Havens: who there has all that jurisdiction the Admiral of England has in places not exempt, *Camden*, in his *Britan. pa. 238.* says; The Romans, after they had settled themselves and their Empire here in *England*, appointed a Magistrate or Governeour over thos. East-parts, where our *Cinque-ports* lie, whom they termed *Comitem littoris Saxonici per Britanniam*, having another that bore the same title on the opposite part of the Sea; whose Office was, to strengthen the Sea-coast with Munition against the out-rages and Robberies of the Barbarians; and believes, this *Warden* of the *Cinque-ports* was first erected among us, in imitation of that Roman Policy. See *Cinque-ports.*

Gardein de L'estemery, (*Anno 17 Car. i. ca. 15.*) Warden of the Stanneries.

Gare, (*Anno 31 Ed. 3. ca. 8.*) Is a coarse Wool, full of stinging hairs, such as grows about the Pefil, or Shanks of the Sheep.

Gariofilli, *Rectius Gariophylli*, The Spice called *Cloves*.—*Et salvo baredibus meis post decepsum meum uno clavo Gariofil. in predicto Festo Sancti Mich. pro omni servicio seculari, &c.* Carta Hugonis de Wygeton Priorat. *Leominstr. Anno 1283.*

Garnish, as, to garnish the Heir. i. To warn the heir, *Anno 27 Eliz. ca. 3.*

Garnishee, Is taken for the party in whose hands Money is attached within the liberties of the City of *London*; so used in the Sheriff of London's Court; because he has had *garnishment*, or warning not to pay the Money, but to appear and answer to the Plaintiff-creditors Sute.

Garnishment, (Fr. *Garnement.*) Signifies a warning given to one for his appearance; and that for the better furnishing the Cause and Court. For example, one is sued for the detinue of certain Charters, and says, They were deliver'd to him, not only by the Plaintiff, but by *J.S.* also, and therefore prayes, that *J.S.* may be warned to plead with the Plaintiff, whether the conditions are performed or no; and, in this petition he is said to pray *Garnishment*. *New Book of Entries, fol. 211. col. 3.* which may be interpreted a warning to *J.S.* to provide himself of a defence, or else a furnishing the Court with all parties to the action, whereby it may throughly determine the Cause. *Britton (cap. 28.)* says, Contracts are some naked and *sans garnement*, and some furnished, or (to use the literal signification of his word) apparelled, &c. Howbeit *Garnishment* is generally used for a warning; As in *Kitchin, fol. 6.* *Garnisher le Court*, is, to warn the Court; and, reasonable *garnishment* in the same place, is reasonable warning. And in the Stat. *27 Eliz. ca. 3.*

—Upon a *Garnishment* of two *Nichils* returned, &c.

Garranty. See *Warranty.*

Garter, (Fr. *Jartier.* i. *Periscelis, fascia poplitaria,*) Signifies, both in divers Statutes and otherwifte, one special Garter, being the Ensign of a great and noble Society of Knights, called Knights of the *Garter*. This high Order (as appears by *Camd. pa. 211.*) was instituted by that famous King *Edward the Third*, upon good succels in a Skirmish, wherinc the Kings Garter, (the time or occasion not mentioned,) was used as a token. *Pot. Virgil* casts in a suspition of another original; but, his grounds, by his own confession, grew from the vulgar opinion, however, it runs thus; The said King, after he had obtained divers great Victories, King *John of France*, King *James of Scotland*, being both prisoners in the Tower of *London* at one time, King *Henry of Castile*, the Bastard, expulsed, and *Don Pedro* restored by the Prince of *Wales*, did, upon no weightier occasion, first institute this Order in *Anno 1350*, viz. He dancing with the Queen, and other Ladies of the Court, took up a *Garter* that hapned to fall from one of them, whereat some of the Lords smiling, the King said, That ere long he would make that *Garter* to be of high reputation, and shortly after instituted this Order of the *Blow Garter*, which every Companion of the Order is bound to wear dailily, richly adorned with Gold and Precious Stones, and having these words wrought upon it, *HONI SOIT QUI MAL Y PENCE*; which is thus interpreted, *Evil be to him, that evil thinks;* or rather thus, *Shame take him that thinks evil.*

Six *John Fern*, in his *Glory of Generosity, fol. 120.* agrees with *Camden*, and sets down the victories, whence this Order was occasion'd; whatsoever cause of beginning it had, the Order is inferior to none in the World, in Honor or Antiquity, consisting of 26 Martial and Heroical Nobles, whereof the *King of England* is the Chief, and the rest are either Nobles of the Realm, or Princes of other Countries, friends and confederates with this Nation; the Honour being such, as Emperours, and Kings of other Nations have desired, and thankfully accepted, it being long before the order of *St. Michael in France*, the *Golden Fleece in Burgundy*, or the *Anunciada in Savoy*. The Ceremonies of the Chapter, proceeding to Election, the Investitures and Robes, the Installation, Vow, with such other observations see in *Segars Honor militar & civil, lib. 2. ca. 9. fol. 65.* See *Knights of the Garter*, and *Seldens Titles of Honour, fol. 792.*

Garter also signifies the Principal king at Armes among our *English* Heralds, attending upon the Knights thereof, created by King *Henry the Fifth*, and mentioned in the Statute *14 Car. 2. ca. 33.* See *Herald.*

Garth, In the North of *England* signifies a Back-side, or a little Close or Homestead; also a Dam or Wear in a River, where Fish are caught, called *Fish-garth*. It seems to be an

ancient British word; For, **Gardd** in that language signifies a Garden, the *dd* being liquify'd in the pronunciation like *th*.

Garthman., Anno 17 Rich. 2. ca. 9. It is ordained, that no Fisher, nor Garthman, shall use any Nets or Engins to destroy the fry of fish, &c. Whereby it seems to signify one that keeps or owns an open Wear, where Fish are caught. It may haply be derived from the *Scottish* word **Gart**, which signifies forced or compelled, because the Fish are forced by the Wear to pass in at a loop, where they are caught.

Gabel, (Sax. *Gafel*.) Tribute, Toll, Custom; yearly Rent, Payment or Revenue; Of which we had of old several kinds paid by Tenants to their Landlords; As *Gavel-Corn*, *Gavel-malt*, *Oate-gavel*, *Gavel-fodder*; As you may read in Mr. *Fabian Philip's* Book, Entituled, *Mistaken Recompence*, pa. 39 & 40.

Gabelet, Is a special and ancient kind of Cessavit used in Kent, where the Custom of *Gavelkind* continues; whereby the Tenant shall forfeit his Lands and Tenements to the Lord; if he withdraw from him his due Rents and Services; after this manner.—The Lord must seek, by the award of his Court, from three weeks to three weeks, to finl some distress upon the Tenement, until the fourth Court, alwayes with Witneses; and, if in that time he can find none, then at the fourth Court let it be awarded, that he take the Tenement into his hand, in name of a Distres, and keep it a Year and a day without Manuring; within which time, if the Tenant pay his Arrears, and make reasonable amends for the withholding, let him have and enjoy his Tenement as before; and, if he come not before the year and day be past, let the Lord go to the next County-Court with his Witnes of what past at his own Court, and pronounce there this Process to have further Witneses; and then, by the award of his own Court, he shall enter and Manure the Tenement as his own: And, if the Tenant will afterwards re-have it, and hold it as he did before, let him make agreement with the Lord, according to this old saying,

Neghesith selde & neghesith geld, ¶ b. l.
for his Were, er he become header, i.

Has he not since any thing given, nor any thing paid,
Then let him pay 5 l. for his Were, ere he become header again.

Other Copies have the first part thus written, and expounded.

Pigondsth yeld & nigonsth geld.

Let him 9 times pay, and 9 times re-pay.

Of this see 10 Hen. 3. Fitz. tit. *Cessavit* 60, and the Stat. of *Gavelket*, 10 Edw. 2. which gives

this Law to Lords of Rents in *London*. And see *Westm.* 2. ca. 21. which gives *Cessavit*.

Gabelkind, (from the Sax. *Gafel*. i. *Census*, *tributum*, and *cyns*, *Natura*, *Genus*.) But Doctor Powel in his *Additaments* to the *Cambridge History*, and from him Taylor in his *History of Gavelkind*, fol. 26. would have it deriv'd from the British word, **Gabel**, importing a Hold, or Tenure; however, it signifies a Tenure, or Custom, whereby the Lands of the Father are equally divided at his death among all his Sons; or, the Land of the Brother among all the Brethren, if he have no Issue of his own.

Teutonicū priscis patrios succedit in agros
Mascula stirps omnis, ne foret ulla potens.

This Custom is still of force in *Kent*, *Urchenfield* in *Herefordshire*, and elsewhere, though with some difference. But, by the Stat. 34 & 35 Hen. 8. ca. 26. All *Gavelkind* Lands in *Wales* are made descendable to the Heir, according to the course of the Common-Law. *Camden*, in his *Brit.* says thus — *Cantiani ea lege Gulielmo Normanno se dediderunt, ut patrias consuetudines illas retinerent, illamque imprimitus quam Gavelkind nominat. Hac a terra, quae eo nomine censerunt, liberis masculis ex aquis portionibus dividuntur, vel feminis, si masculi non fuerint.* Adding further, *Hanc hereditatem, cum quinum decimum annum attigerint, adeunt, & sine Domini consensu cuilibet, vel dando, vel vendendo alienare licet. Et filii parentibus, furti damnatis, in id genus fundi succedunt, &c.* It appears by 18 Hen. 6. ca. 1. That in those dayes, there were not above 30 or 40 persons in all *Kent*, that held by any other Tenure: which was afterwards altered, upon the petition of divers *Kentish* Gentlemen, in much of the Land of that County, by Stat. 31 Hen. 8. ca. 3. See *Lamberts Perambulation of Kent*, and *Summers learned Discourse on this Subject*. — *Dedi totam terram, quam vendidit mihi Michael de Turham, sicut suum liberum Gabellinde & Stoikinde, ad fundandum ibi Domum Religionis, &c.* Mon. Angl. 2 Par. fol. 640. a.

Gabelsester, (Sax.) *Sextarius vestigialis*; *Cervisia scilicet sextarius Manerii vel praedium Domino ab usufructuarii cervisiam coquenteribus, censu vel vestigialis nomine, pendens,*) A certain Measure of Rent-Ale. Among the Articles to be charged on the Stewards and Bailiffs of the Church of *Canterburies* Mannors in *Kent*, (according to which they were to be accountable,) this of old was one; *De Gavelsester cuiuslibet bracini braciati infra libertatem Maneriorum, viz. unam lagenam & dimidiad Cervisia.* It elsewhere occurs under the name of *Tol-fester*, thus; *De Tol-fester Cervisia, hoc est de quilibet bracino per unum annum lagenam de Cervisia.* And, is undoubtedly the same; in lieu whereof the Abbot of *Abington* was wont of Custom to receive that Penny mentioned by *Selden*

Selden in his learned Dissertation annexed to *Fleta*, ca. 8. num. 3. and there, (by some mistake haply of the Printer,) written *Colcer-peny*, for *Tol-sester-penny*. Nor differs it, (I think) from what in the Glossary, at the end of *Hen. 1. Laws*, is called *Oale-gavel. Sax. Dift.* and see *Tolstester*.

Gawgeoz, or Gager, (from the Fr. *Gau-chir*. i. *In gyrum torquere*,) Signifies an Officer of the Kings, appointed to examine all Tuns, Pipes, Hogsheads, Barrels, and Tercians of Wine, Oyle, Honey, Butter, and to give them a Mark of allowance, before they are sold in any place: And, because this Mark is a Circle made with an Iron Instrument for that purpose, it seems thence to take name. Of this Officer and Office we have many Statutes, the first is, *Anno 27 Ed. 3.* commonly called the Statute of Provision, or Purveyors, ca. 8. 23 *Hen. 6. ca 16.* &c. and the last, is 12 *Car. 2. ca. 4.*

Gawge-peny, Seems to be the *Gaugeors Fee*; by *Anno 23 Hen. 6. ca. 16.*

Geld, (*Geldum*) *Mulda, compensatio de*hisi* & precium rei.* Hence in our ancient Laws *Wergild* was used for the value or price of a Man slain; and *Orfgild*, of a Beast. *Alfo Mony*, or Tribute. — *Et sunt quieti de Geldis & Danegeldis & Hornegeldis & Fortgeldis, & de Blodwita & Fitwita, & Flitwita, & Leirwita, & Heingwita, & Fremenefedua, & Werdpeni, & Averpeni, & Hundredeni, & Tolingpeni—Carta Ric. 2. Priorat. de Hertland in Devon. Pat. 5 Ed. 4. part. 3. M. 13.* See *Gild*.

Geldable. See *Gildable*.

Gemote, (*Sax. Conventus*) *Omnis homo pa-cem habeat eundo ad Gemotum & rediens de Gemoto, nisi probatus fur fuerit.* LL. Ed. Conf. ca. 35. See *Mote*.

General Issue. See *Issue*.

Geneath, (*Sax. Rectius, Geneat*) Villas, villicas, firmarius. L. Ina. MS. ca. 19. Regis *Geneath*. i. Villanus.

Generosa, Is a good addition; And, if a Gentlewoman be named *Spinstor* in any Original Writ, Appeal or Inditement, she may abate and quash the same. 2 *Inst. fol. 668.*

Gentleman, (*Generosus, nobilis*) from the Fr. *Gentil*. i. *Honestus vel honesto loco natus*, and the Saxon Mon, as if you would say, a Man well-born, or a *Gente*, or *Genere*; the Italian calls them *Gentiliuomini*; under this Title are comprised all that are above *Yeomen*; so that Noblemen are truly *Gentlemen*; But, by the course and custom of England, Nobility is either Major or Minor; the greater contains all Titles and degrees from *Baronets* upward, the lesser all from *Barons* downward. *Smith de Repub. Angl. lib. 1. cap. 20. § 21.* The reason of the name, grows from this, that they observe *Gentilitatem suam*, that is, the race and propagation of their Blood, by bearing Arms, which the common sort, neither doth, nor may do. *Tully* in his *Topicks* speaks thus of this subject, *Gentiles sunt, qui inter se eodem sunt nomine ab ingenuis oriundi, quorum majorum nemo ser-*

vitatem servivit, qui capite non sunt diminuti. *Gentilis homo* for a Gentleman, was adjudged a good addition. *Hill. 27 Edw. 3.* The addition of Knight is ancient, but of Esquire or Gentleman, rare, before 1 *Hen. 5. cap. 5.* See 2 *Part. Inst. fol. 595. § 667.*

Gersuma (*Sax. Gærsumma, i. Sumptus, præ-mium*) In ancient Charters it is used for a Fine or Income. As, *Sciatis me A. pro tot libris, quas B. mihi dedis in Gersumam, dedisse, con-cessisse, &c.* And — *Gersumam capere de Na-tiva vestra impregnata sine licentia vestra, quod dicitur Childwit.* In *Mattib. Parv* it is written *Gersoma*, *Datis Abbati tribus marcis auri in Gersoma*, i. e. Pro Fine, and in *Scotland Gressume*.

Gestu & fama, Is a Writ now out of use, Lamb. Eiren. lib. 4. cap. 14. pag. 532.

Gethbrech (*Rectius Grithbreche*) *Si pacem quis fregerit ante mediocres Foresta, quod dicunt Gethbrech, emendet Regi decem solidis.* Constitut. *Canuti de Foresta* cap. 18. See *Grith-breche*.

Gigmills were used for the perching and burling of Woollen-Cloth, and prohibited *Anno 5 & 6 Edw. 6. cap. 22.* They were a kinde of Fulling Mills.

Gild (*Anno 18 Car. 2. cap. 1.*) Signifies cheifly a Fraternity or Company, combined together with Orders and Laws made among themselves by the Princes licence, and they had their Annual Feasts and Neighborly Meetings: But as to the direct time, when these *Gilds* had their origin in *England*, there is nothing of certainty to be found, since they were in use long before any formal Licences were granted to them, for such Meetings. *Edward the Third*, in the Fourteenth of His Reign, granted Licence to the Men of *Coventry* to erect a *Merchants Gild*, and a Fraternity of Brethren and Sisters, with a Master or Ward-en; and that they might make Chantries, bestow Alms, do other Works of Piety, and constitute Ordinances touching the same, &c. So *Henry the Fourth*, in the Fourth year of His Reign, granted Licence to Found a *Gild* of the Holy Crofs at *Stratford upon Avon*. See *Mr. Dugdale's Antiquities of Warwickshire*, fol. 119. & 522. *Gild* or *Geld* (according to *Camden*) signifies also a Tribute or Tax, and the Statutes of 27 *Edw. 3. stat. 2. cap. 19.* and 11 *Hen. 7. cap. 9.* use *Gildable* in the same sense with *Taxable*. Whence *Gild* in the first signification does proceed, because they support their common charge by a mutual Contribution. *Gild* (according to *Crompton* in his *Jurisdictions*, fol. 191.) Signifies an Amercement, as *Foot-geld*; and fol. 197. he interprets it to be a prestation within the Forest, in these words, *To be quit of all manner of Gilds, is to be discharged of all manner of Prestations, to be made for gathering Sheaves of Corn, Lamb, and Wooll, to the use of Foresters.* The word is also mentioned in the *Stat. 15 Hen. 6. cap. 6.* and 15 *Car. 2. cap. 7.*

Gilde

Gildale (from the Sax. *Gild*, *i. solutio & aelc, aelc*) A compotation, where every one paid his share. See *Sothale*.

Gildable or Geldable, (Geldabilis) That is liable to pay Tax or Tribute. Camden dividing *Suffolk* into three parts, calls the first *Gildable*. It is mentioned *Anno 27 Hen. 8. cap. 26.* But I finde *Gildable* expounded in an old MS. to be that Land or Lordship, which is *Sub distributione Curia Vice-com.* See 2 Part. *Inst. fol. 701.* *Inquisitio capti apud Aberyston, Sc. 5 Hen. 5. per Sacram. Will. Peirs & aliqui dicunt quod Johannes Chestershire, qui tenet unum tenementum & duo crofts cum pertin. in le Geldable de Johanne Lile per quod servitium ignorant, exerxit crucem S. Johannis Hierosol. super Domum suam, ad habendum privilegium & libertatem. Templar. de Balsdale, ex quod teneret prædict. tenementum sub Cruce, in prejudicium Dom. Regis & contra formam Status inde edit, &c.* MS. penes Gul. Dugdale Ar. *Jur. dicunt quod Prior de Sempringham tenet tres Carucatas terra in S. & non sunt Gildabiles. Ex Rot. Hundr. in Turr. Lond. de Anno 3 Edw. 1. Linc.*

Gild-hall (*i. Gilda aula*) The cheif Hall of the City of London so called. *Gildarum nomine continentur non solum minores fraternitates & sodalitia, sed ipse etiam Civitatum Communitates*, says the Learned Spelman. See *Gild*.

Gildhalda Teutonicorum, Was used for the fraternity of Easterling Merchants in London, called the *Stilyard*. *Anno 22 Hen. 8. cap. 8.*

Gild-merchant (*Gilda Mercatoria*) Was a certain Priviledge or Liberty, granted to Merchants, whereby they were enabled (among other things) to hold certain Pleas of Land within their own Precincts.

Giltwite. See *Gyltwite*.

Sisarms rectius Guifarmes (*An. 13 Edw. 1. Stat. 3. cap. 6.*) A kinde of Hand-Ax, according to Skene. Flets writes it *Sisarms*, lib. 1. cap. 14. *Est armorum genus longo manubrio & porrecto cuspidi. Spel.*

Gleab-land (*Gleba*) Church-land, *Dos vel à terra ad Ecclesiam pertinens. Charta Elredi Regis Magnæ Britanniæ Monast. de Croiland, apud Ingulphum: In primis totam Insulam Croilandia pro Gleba Ecclesia, & pro situ separali ejusdem Monasterii — Dono. Lindwood* says, *Gleba est terra in qua consistit Dos Ecclesiæ.* Mentioned in the Statute of 14 Car. 2. cap. 25. We most commonly take it for Land belonging to a Parish Church, besides the Tythe. Skene says, *The four Acres of Land, qwhilk is giben to the Ministers of the Evangel in Scotland, is called ane Gleeb, the qwhilk full be free fra payment of any feinds.*

Go, Is sometimes used in a special signification, as to go without day; and to go to God, is as much as to be dismissed the Court. Broke, *sit. Faier de Records*, num. 1. And *Kitchin*, *fol. 193.*

Goaling of Wagabonds, i. Sending them to the *Gual*. *Anno 35 Eliz. cap. 7.*

God-bote (Sax.) *Multa ex delictis in Deum admissis obveniens.* A Fine or Amerciament for crimes and offences against God; an Ecclesiastical or Church Fine.

God-behabior. See *Good abearing*.

Goldwith vel Goldwich. In the Records of the Tower, there is mention of *Confuetudo Vocata Goldwith vel Goldwich*; but no Explanation of it. *Ideo quare.*

Good bearing (*Bonus gestus*) Is by a special signification, an exact carriage or behavior of a Subject towards the King, and his Leige People, whereunto some Men, upon their misbehavior or loose demeanour, are sometimes bound: For as *Lambert*, in his *Eiren. lib. 2. cap. 2.* says, He that is bound to this, is more strictly bound, then to the Peace; because, where the Peace is not broken without an affray, battery, or such like, this surely *De bono gestu*, may be forfeited by the number of a Mans company, or by his or their Weapons or Arms, whereof see more in that Learned Writer, and in *Crompt. Just. of Peace*, *fol. 120. & 127.*

Good Country (*Bona Patria*) Is an Affize or jury of Countrey-men or good Neighbors. *Skene, verbo, Bona Patria.*

Goule (Fr. *Goulet*) (*Anno 16 & 17 Car. 2. cap. 11.*) A breach in a Bank or Sea-wall; or a passage worn by the Flux and Reflux of the Sea.

Gorce (from the Fr. *Gort*, *i. a Wear.*) *Locus in fluvio coarctatus, piscium capiendorum gratia;* a Wear. It is accorded, That all such *Gorces*, *Wills*, *Wears*, *Stanks*, *Stakes*, and *Riddles*, which be levied and set up in the time of King Edward, the Kings Grand-father, and after, whereby the Kings Ships and Boats be disturbed, that they cannot pass in such River, as they were wont, shall be cut and utterly pulled down, without being renewed. *Anno 25 Edw. 3. cap. 4.* Sir Edward Coke (on *Litt. fol. 5. b.*) seems to derive it from *Gurges*, a deep Pit of Water, and calls it a *Gors* or *Gulf*. But *quare*, if not a mistake.

Gote (*Anno 22 Hen. 8. cap. 5.*) A Ditch, Sluce, or Gutter; perhaps from the Sax. *Geotan, Fundere*.

Graduates (*Graduati*) Are such Schollars as have taken degrees in any University. *Anno 1 Hen. 6. cap. 3.*

Graffier (Fr. *Greffier*, *i. Scriba*) Signifies a Notary or Scrivener; and is used in the Stat. 5 Hen. 8. cap. 1.

Graille (*Gradale, seu Graduale*) A Gradaul or Book containing some of the Offices of the Roman Church. *Gradale (inquit Lindwoodi) sic dictum a gradalibus in tali libro contentis. Provincial. Angl. lib. 3.* The word is mentioned in *Plowden*, *fol. 542.* And 37 Hen. 6. *fol. 32.* It is sometimes taken for a Mass-Book, or part of it, instituted by Pope Celestine, *Anno 430.* according to *Coigrave*.

Grand Assize. See *Assize*, and *Magna Assisa*.

Grand

Grand Cape. See *Cape and Attachment*.

Grand days. Are one in every Term, solemnly kept in the Inns of Court and Chancery, viz. Candlemas-day in Hilary Term; Ascension-day in Easter Term; S. John Baptist-day in Trinity Term; and All-Saints in Michaelmas Term; and these are *Dies non juridici*, no days in Court.

Grand Distress (*Distressio Magna*). Is so called, not for the quantity, for it is very short, but for the quality, for the extent is very great; for thereby the Sheriff is commanded, *Quod distingat tenementum, ita quod ipse, nec aliquis per ipsum ad ea manum apponat, donec habuerit aliud praeceptum, & quod de exitibus evrundem nobis respondeat, & quod habeat corpus ejus, &c.* This Writ lies in two Cases, Either when the Tenant or Defendant is attached, and so returned, and appears not, but makes default, then a *Grand Distress* is to be awarded; or when the Tenant or Defendant hath once appeared, and after makes default, then this Writ lies by the Common Law, in lieu of a *Petit Cap*; 2 Part. Inst. fol. 254. Anno 52 Hen. 3. cap. 9. Westm. 1. cap. 44.

Grand Sergeantcy. See *Chivalry* and *Sergeancy*.

Grange (*Grangia*) Is a House or Farm, not onely where are necessary places for all manner of Husbandry; as Stables for Horses, Stalls for Cattle, &c. But where are Barns and Granaries for Corn, Haylofts, &c. And by the Grant of a Grange, which is often in Conveyances, such places will pass. *Provinc. Angl.* lib. 2 tit. d. *Judicis, ca.* Item omnis.

Grant (*Concessio*) Signifies a Gift in writing of such a thing, as cannot aptly be paised or conveyed by word onely: As Rent, Reversions, Services, Advowsons in Gross, Tythes, &c. or made by such persons as cannot give, but by Deed, as the King, and all Bodies Politick; which differences are often in speech neglected, and then it is taken generally for every gift whatsoever, made of any thing by any person, and he that grants it, is called the *Grantor*, and he to whom it is made, the *Grantee*. *West.*, part 1. *Symbol.* lib. 2. Sect. 334. And a thing is said to *Lie in Grant*, which cannot be assigned without Deed. *Coke*, lib. 3. *Lincoln-Colledge Case*.

Great Men. Are most commonly understood to be the Temporal Lords of the Higher House of Parliament: As Anno 43. Edw. 3. cap. 2. and 8 Rich. 2. in *Proem.* And sometimes of the Members of the House of Commons, as Anno 2 Rich. 2. stat. 2.

Greathbreach or Greachbreach, Is mistaken by *Saxson* in his Description of England, cap. 11. And by *Bastel*, for *Grieth-breche*, which Vide.

Gree: (Fr. *Gre*, i. Will, allowance, or liking) Signifies agreement, contentment, or good-liking: As to make *gree* to the parties, is to satisfie them for an offence done. Anno 1 Rich. 2. cap. 15. And in 25 Edw. 3. cap. 19. It is said, *That Judgment shall be put in*

suspence, till *Gree* be made to the King of his Debt, where it signifies satisfaction. See *Agreement*.

Green-cloth. See *Counting-house*.

Greenhem (from *Green*, and the *Sax.* *hefen*, i. *viridis*) Is all one with *Vert*. *Manwood*, part. 2. of his *Forest Laws*, cap. 6. num. 5. See *Vert*.

Green Silber (*Viride Argentum*) It is an ancient Custom within the Mannor of *Writtel* in *Com.* *Esex*, that what ever Tenant hath his fore door opening to *Greenbury*, pays a half-penny yearly to the Lord of the Mannor, by the name of *Green-silver*.

Green Wax seems to be used for Estreets delivered to the Sheriffs, out of the Exchequer, under the Seal of that Court (made in *Green Wax*) to be levied in the Counties. Anno 42 Edw. 3. cap. 9. and 7 Hen. 4. cap. 3. See *Foerain Apposer*.

Gressume. See *Gefsuma*.

Grebe (*Sax. Gepefa*) Is a word of Power and Authority signifying as much as *Comes* or *Vice-comes*; and hence our *Skyreve*, *Portgreve*, &c. See *Hoveden*, Parte posther. annal. fol. 346. where he says, *Grebe dicitur, ideo quod jure debeat Griith, i. Pacem ex illis facere, qui Patria inferunt va, i. miseriam vel malum.* From whence, but with less power and dignity, is derived the word *Reve*, *Bailiff*, or under Officer of the Lord of a Mannor. See *Skyreve* and *Portgreve*.

Grils (Anno 22 Edw. 4. cap. 2.) A kinde of small Fish.

Griithbreche (*Sax. Griith-bryce, i. Pacis fractio seu violatio*) Breach of the Peace. In *causis Regis* **Griithbreche** 100 Sol. — *Emen-dabit*. LL. Hen. 1. cap. 36. & *Carta Will. Conq.* Ecclesi. Sancti Pauli, in *Hist. ejusdem*, fol. 190. **Griithbreche**, i. *Quod Prior tenebit Placita de illis qui frangunt pacem Regis vel libertatis ipsius Prioris.* Ex Reg. Priorat de *Cokesford*.

Griithstole (*Sax.* *Sedes Pacis*) A Sanctuary. See *Frodmorel*.

Grocers, by the Stat. 37 Edw. 3. cap. 5: Were Merchants that engrossed all Merchandise vendible. Now it is a particular Trade, well known.

Grosse brys (Fr. *Gros bois*, i. Great Wood) Signifies specially such Wood as hath been or is, either by the Common Law or Custom of the Country, Timber. 2 Part. Instit. fol. 642.

Grossome, Signifies a Fine, and is a corruption from, or a Law-Franch word for the Saxon *Gefsuma*. For thus *Plowden*, fol. 271. *Et la dit I. R. gte per m le Indenure. a payer en le fine de le dit terme de 10 ans al dit W. N. dize Mille de titles, ou le value de eux en argent, en nosme de Grossome.* And in fol. 285. it is written *Gressame*. — *Absque aliquo le Gressame, vel fine pro praemissis solvend.* See *Gefsuma*.

Growth (Anno 43 Edw. 3. cap. 10) Seems to be an Engin to stretch Woollen-cloth, soon after it is woven.

Growth-halfpeny. A half-peny so called, and paid in some places for Tythe of every fat Beast, Ox, and other unfruitful Cattle. *Claytons Rep. pag. 92.*

Gruarii (of whom you shall read in Forest Records) derived from the Fr. *Gruyer*, signifies generally the principal Officers of the Forest.

Guest-takers or Gift-takers. See *Agitors.*

Guadage or Guidages } (Guadagium & Guidagium)

Est quod datur alicui, ut tuto conductetur per terram alterius: That which is given for safe conduct through unknown ways, or a strange Territory. Sir Edw. Coke calls this an old legal word, 2 Inst. fol. 526.

Gule of August (Gula Augusti) *Westm. 2. cap. 20. 27 Edw. 3. Stat. 3. Fitzb. Nat. Br. fol. 62. Plow. Casu Mines, fol. 316.* Is the very day of S. Peter ad Vincula, which is celebrated on the first day of August, and called the *Gale of August*, from the Latin *Gula*, i. a Throat; the reason is set down in *Durvands Rationale*, (lib. 7. cap. 19.) who says, That one *Quirinus*, a Tribune, having a Daughter that had a disease in her Throat, went to *Alexander*, then Pope of Rome, the Sixth from S. Peter, and desired of him to borrow, or see the Chains, that S. Peter was chained with under Nero, which being obtained, the said Daughter killing the Chains, was cured of her disease, and *Quirinus* with his Family was baptised. *Tunc dictus Alexander Papa hoc Festum in Calendis Augusti celebrandum instituit, & in honorem Beati Petri Ecclesiam in Urbe fabricavit, ubi vincula ipsa deposita, & Ad Vincula nominavit, & Calendas Augusti dedicavit.* In qua Festivitate populus illuc ipsa vincula bode oculatur. So that this day, being before called only the *Calends of August*, was upon this occasion termed indifferently, either S. Peters day, *Ad Vincula*, from the Instrument that wrought the miracle; or the *Gule of August*, from that part of the Virgin, whereon the miracle was wrought. *Averagium astivale fieri debet inter Hokeday, & Gulam Augusti.* Rentale Manerii regalis de Wy.

Gultwit (according to *Saxton* in his description of *England*, cap. 11.) Is an amends for Trespases. But I finde no such word either in *Spelmans Gloss.* *Sax. Ditt.* or *Ancient Record.* Therefore, doubtless, mistaken for *Gyltwise*, which *Vide.*

Gulf (*Huspes*) is used by *Bracton* for a Stranger or *Guest* that lodges with us the second night. *Lib. 3. tract. 2. cap. 10.* In the Laws of S. Edward, published by *Lambert*, num. 27. it is written *Gest.* Of this see more in *Vncoouth.*

Gwahz-merched, Is a British word, signifying a Payment or Fine made to the Lords of some Mannors, upon the Marriage of their Tenants Daughters; or otherwise upon their committing Incontinency. See *Marchet* and *Laurwie.*

Omnibus — Jacobus Baskerville Miles, Dominus Mavcrii de Yrsley (Com. Heref.) salutem. Noveritis me prefatum Jacobum remississe Johanni ap John Hared. & assign. suis totum ius, titulum, &c. quod habeo de & in quibusdam Scriciis aut redditibus excent. de tenemento quod praeditus Johannes tenet de me in prædicto Manerio, qua servitia aut redditus sequuntur, viz. *Hoch-melwypd*, otherwise called *Maffswine*. *Gwarthegan Claimai*, otherwise called *Cow-yeld*. *Gwahz-Merched*, otherwise called *Laywite*. *Arian-Piven*, otherwise called *Ox-Silver*. *Gwasanaethen*, otherwise called *Work-Silver*. And *Deiliad-Wor*, otherwise called *Tenant in Moor*. Ita quod nec ego prædicti. *Jac. nee heredes mei aliquod ius, &c. in prædictis serviciis in futur. habere poterimus, &c.* Dat. 16 Oct. 4 Edw. 6. Penes Joh. Stead Gen.

Gwaltlow (Gwalflowum, a Sax. Gyal, i. *Patibulum*, & ptop. *locus*) *Locus patibuli seu occidendorum.* Omnia Gwaltlowa, id est, occidentorum loca, totaliter Regis sunt in loca sua. **LL. Hen. 1. cap. 11.**

Gyltwise — *Habatque ipse Episcopus* (sc. Oswaldus Ep. Worcester) *omnisque sui successores ibi ad ius Ecclesiasticum, debita transgressionum & panam delictorum, que nos dicimus Openpregenere & Gyltice, & omnia quaecunque Rex in suis Hundredis habet. Ex ipso Autographbo Eadgari Regis Dat. Anno 964. Penes serenissimam Majestatem CAROLI 2 Regis. A compensation or amends for Trespass or Fraud; Multa pro Transgressione.*

H.

Habeas Corpus, Is a Writ, which a Man, indicted of a Trespass before Justices of Peace, or in a Court of any Franchise, and imprisoned for it, may have out of the Kings Bench, thereby to remove himself thither at his own costs, and to answer the cause there. *Fitzb. Nat. Br. fol. 250.* And the order in this case is; first, to procure a *Certiorari* out of the Chancery directed to the said Justices for removing the Indictment into the Kings Bench, and upon that, to procure this Writ to the Sheriff, for the causing of his body to be brought at a day, *Reg. Jud. fol. 81.* where you shall finde divers cases wherein this Writ is allowed.

Habens Corpora, Is a Writ that lies for the bringing in a Jury, or so many of them as refuse to come upon the *Venire facias*, for the tryal of a Cause brought to issue. *Old Nat. Br. fol. 157.* See great diversity of this Writ in the Table of the Register of *Judicials*, and the *New Book of Entries*, verbo, *Habens Corpora*.

Habendum, Is a word of course in a Conveyance, in every of which, are two principal parts, the *Premises*, and the *Habendum*. The Office

Office of the first is, to express the name of the Grantor, the Grantee, and the thing granted. The *Habendum* is to limit the estate, so that the general implication of the estate, (which by construction of Law, passeth in the Premises) is by the *Habendum* controlled and qualified. As in a Lease to two persons, the *Habendum* to one for life, the Remainder to the other for life, alters the general implication of the Joynement in the Frechold, which should pass by the Premises, if the *Habendum* were not. *Coke*, vol. 2. *Bucklers Case*, fol. 55. See *Use*.

Habere facias Seisinam. Is a Writ *Judicis*, which lies, where a Man hath recovered Lands in the Kings Court, directed to the Sheriff, and commanding him to give him Seisin of the Land recovered. *Old Nat. Br.* fol. 154. whereof see great diversity in the Table of the Reg. *Judicis*. This Writ is issuing sometimes out of the Records of a Fine executory, directed to the Sheriff of the County, where the Land lies, and commanding him to give to the Cognizee, or his Heirs, Seisin of the Land, whereof the Fine is levied; which Writ lieth within the year after the Fine, or Judgment upon a *Scire Facias*, and may be made in divers Forms. *West*, part 2. *Symb. tit. Fines*, sect. 156. There is also a Writ, called *Habere facias seisinam*, ubi Rex habuit annum, diem & usum; which is for the delivery of Lands to the Lord of the Fee, after the King hath taken his due of his Lands, who was convict of Felony. *Reg. of Writs*, fol. 165.

Habere facias bismum. Is a Writ, that lies in divers cases, as in *Dower*, *Formedon*, &c. Where a *View* is to be taken of the Lands or Tenements in question. See *Fitz. Nat. Br.* in *Indice*, verbo (*View*.) *Bratton*, lib. 5. tract. 3. cap. 8. and Lib. 5. part 2. cap. 11. See *View*.

Haberjects or Haubergets (*Haubergetta*) A kind of Cloth. *Una sit latitudo pannorum tintoriorum, russatorum, & Haubergettarum*, scil. *Dua ultna infra listas*. *Mag. Charta*, cap. 26.

Habiliments of War (*Anno 31 Eliz.* cap. 4.) Armor, Harness, Utensils, or Provisions for War; without which, Men have not ability to maintain War. 3 Part. *Insti.* fol. 79.

Hables. Is the Plural of the French *Hable*, signifying a Sea-Port or Haven. The word is used 27 *Hen. 6.* cap. 3.

Haddote (*Sax*) Was a recompence or satisfaction for the violation of Holy Orders, or violence offered to persons in Holy Orders. *Sax. Dift.*

Hade of Land (*Hada terra*) — *Sursum reddidit in manus Domini duas aeras terra, continens decem Seliones & duas Hadas*, Anglice, *Ten Ridges*, and two *Hades*, jacent int. terr. — *Manc. de Octeton*, Anno 16 *Jac.*

Herede delibero alii, qui habet custodiam terræ. Was a Writ directed to the Sheriff, willing him to command one that had the body of him, who was Ward to another, to deliver him to him, whose Ward he was, by reason of his Land. *Reg. of Writs*, fol. 161. b.

Herede abducto. Is a Writ that lay for the Lord, who having by right, the Wardship of his Tenant under age, could not come by his body, being conveyed away by another. *Old Nat. Br.* fol. 93. See *Ravishment de Gard*, and *Herede rapto*, in *Reg. of Writs*, fol. 163.

Hæretico comburendo. Is a Writ that lay against him, that was an Heretick, viz. Who, having been once convict of Heresie by his Bishop, and having abjured it, fell afterwards into it again, or into some other; and was thereupon committed to the Secular power. *Fitz. Nat. Br.* fol. 269. This Writ lies not at this day, according to Sir Edward Coke, in his 12 Rep. fol. 93.

Hafne Courts, **Hafne** is a Danish word, and signifies with us a Haven or Sea-Port. Letters Patent of Richard, Duke of Gloucester, Admiral of England, 14 Aug. Anno 5 Edw. 4. have these words, — *Uterius dicunt quod dicti Abbas & Conventus & prædecessores sui habent & habere conseruerunt per idem tempus in predictis villis (Bancaster & Ringstead) cum Hullmo quasdam Curias Portus, vocatas Hafne Courts, tenendas ibidem ad placitum Abbatum, &c. Haven or Port-Courts* 4 *Inst.* fol. 147.

Haga (Sax. *Haeg*, i. *Domus*, a House.) In *Domesday*, tit. *Sufex*. *Terra Rogerii*, num. 11. *Radulfus tenet unam Hagan de xii Denar*. *Wilhelmus quinque Hagas de quinque Sol*, &c. An ancient anonymous Author expounds *Haga* to be *Domus cum Shopa*. — *Cum novem prefata Civitatis habitaculis, qua patria lingua Hagan appellari solent. Charta Ethelredi Regis, in Auctario Matth. Paris, fol. 240. Coke on *Littl.* fol. 56. b. See *Haw*.*

Hagbut. See *Hague* and *Haguebut*.

Haiia, A Hedge, and sometimes taken for a Park or Enclosure. *Vallatum fuit & inclausatum fossato Haia & palatio*. *Bratton*, lib. 2. cap. 40. num. 3. Hence *Haicement* for a Hedge-fence. *Rot. Ing.* 36 *Edw. 3.* in *Scac. de Foresta*.

Haiebote (from the Fr. *Haye*, i. *sepes*, and the Sax. *Bote*, i. *compensatio*) Is used for a permission or liberty to take Thorns and Freeth, to make or repair Hedges.

Halsfang. See *Pillary* and *Healfang*.

Half-mark (*Dimidia Merka*) Is a Noble. *Fitzherbert* (*in Nat. Br.* fol. 5.) says, That in case a Writ of Right be brought, and the Seisin of the Demandant, or his Ancestor alleged, the Seisin is not traversable by the Defendant, but he may tender the *Half-mark* in Money, to have an Enquiry made, whether the Demandant, &c. were so seised, or not. And in this signification we read the same words in the Old English, *Nat. Br.* fol. 26. b. See also *Fitz. Nat. Br.* fol. 31.

Half-seal, Is used in the Chancery for the sealing of Commissions to Delegates, appointed upon

upon any Appeal in Ecclesiastical or Marine Causes. Anno 8 Eliz. cap. 5.

Half-tong. See *Medietas Lingue*.

Halimote alias Healgemot, (from the Sax. *Heale*, i. *aula*, & *heimot*, i. *conventus*) Is that we now call a Court Baron; and the etymology is the Meeting of the Tenants of one *Hall* or Mannor. *Omnis causa terminetur vel Hundredo, vel Comitatu vel Halimot, sicutum habentium, vel Dominorum Curiarum*. LL. Hen. 1. cap. 10. The name is still retained at *Lufston*, and other places in *Herefordshire*.

Hereford { *Ad Halimot ibidem tent.* vi. die Palatum } *Anno Regni Regis Hen. 6. 24. Venit Jo-hannes Garnetton & Juliana Voxr eius in plena Curiâ, Sc.*

It is sometimes taken for a Convention of Citizens in their Publick Hall, which was also called **Folkmot** and **Halmot**. As in London every Company hath a *Hall*, wherein they keep their Courts. 4 Inst. fol. 249. Also a Holy or Ecclesiastical Court.

Hall (*Halla*, Sax. *Healle*) Was anciently taken for a Mansion-house or Habitation. *Domesday*, tit. **Chent**. *Terra Hugonis de Mountfort. In Newcerel Hundred ipso Hugo tenet unam terram quam Azor Rot tenuit de R. E. (Rege Edwardo) sine Halla, i. sine domo.*

Hallage (Fr.) Is a Fee or Toll due for Cloaths brought for sale to *Blackwch Hall* in London. Coke, vol. 6. fol. 62. b. Also the Toll that is due to the Lord of a Fair or Market, for such Commodities as are vended in the Common Hall of the place.

Hallam-shire (*Anno 21 Jac. cap. 31.*) Was a part of *Yorkshire*, where the Town of *Skeffield* stands.

Halsfang. See *Healfang*.

Ham (Sax.) A House or Habitation; also a Village or Town. Hence our many Towns end with it, as *Nottingham*, *Buckingham*, *Walsingham*, &c.

Hambles, Is the Plural of the French *Ha-ble*, signifying a Port or Haven of the Sea. Mentioned 27 Hen 6. cap. 3.

Hameling or **Hambling** of **Dogs**, Is all one with *Expeditating*. *Manwood* (Part. 1. fol. 212. and part. 2. cap. 16. num. 5.) says, This is the ancient term that Foresters used for that matter. See *Expeditate*.

Hamel, **Hamlet**, **Hampsel**, Are Diminutives of *Ham*; and signific a little Village, or rather part of a Village; of which three, the word *Hamlet* is now only used, though *Kitchin* useth both *Hamel* and *Hampsel*. The Learned Spelman upon these words, shewing the difference betwixt *Villam integrum*, *villam di-midiam* & *Hamletam*, says thus. — *Hamletam vero, que medietatem friborgi non obtinuit, hoc est ubi quinque Capitales plegii non predebrebantur*. The Statute of Exon, 14 Edw. 1. mentions this word thus — *Lez nosmes de toutes les villes & Hamlets que sont en son Wapentake*, &c.

In an ancient MS. I finde it expounded, the seat of a Free-holder.

Hamsfare (Sax.) *Insultus factus in domo. See Gloss. in x. Scriptores.*

Hamsoken (Sax. *Hamsoen*) The Liberty, Priviledge, or Freedom of a Mans own House, or home; also a Franchise or Priviledge so called, granted to the Lords of Mannors, whereby they hold Pleas, and take Cognizance of the breach of that immunity. *Sax. Dict.* *Significat quietantiam misericordia intrationis in alienam Domum vi & injusti. Fleta, lib. 1. cap. 47. Concedo libertatem & potestatem, jura, consuetudines & omnes fortis facturas omnium terrarum suarum, i. Burgheritha, & Hundred-Setena, Athas, & Didelas, & Iusangtheofas, Hamsorne, & Fridebrike, & Forzel, & Toll, & Team, in omni Regno meo, &c. Char. Donationis ab Edmundo Rege Eccles. Sanctæ Mariæ Grafton. Our ancient Records express Burglary under this worl Hamsone. See Home-sonken.*

Handborowd (Sax. *Bojs-hand*, i. a Surety) *Est quasi ex aut fide jussor manusens, hoc est minor seu inferior, & nam Headborowd vas est capitale vel superior. Spelman.*

Hand in, and hand out (*Anno 17 Edw. 4. cap. 2.*) Is the name of an unlawful game, now disused.

Handful, Is four inches by the Standard. *Anno 33 Hen. 8. cap. 5.*

Handy-warp, A kinde of Cloth made at *Cokay*, *Bocking*, and *Braytree* in *Essex*, and mentioned in the Statute of 4 & 5 Phil. & Ma. cap. 5.

Hanisare. See *Hinesare*.

Hangwit alias **Hangwire** (from the Sax. *Hangian*, i. *suffendere*, and *pice*, *multa*) Is (according to *Kastal*) a liberty granted to a Man, whereby he is quit of a Fee on or Theif, hanged without judgment, or escaped out of custody. We read it interpreted *Multa pro homine injuste suspenso*. And elsewhere, *Multa pro latrone præter iuri exigentiam suspenso vel clapsu*. Whether it may not also signific, a liberty whereby a Lord challengeth the forfeiture due for him, who hangs himself within the Lords Fee? See *Bludwitt*.

Hanper or Hanaper of the Chancery (*Anno 1 Rich. 2. cap. 1.*) Seems to signific, as *Fissus* originally does in Latin. See *Clerk of the Hanaper*.

Hanse (an old Gothic word) Signifies a Society of Merchants, combined together for the good usage, and safe passage of merchandise from Kingdom to Kingdom. This Society was, and in part, yet is endued with many large Priviledges of Princes respectively within their Territories. It had four Principal Seats or Staples, where the Almain or Dutch Merchants being the Erectors of this Society, had an especial House, one of which was here in London called *Guildbalda Teutonicorum*, vulgarly, the *Steelyard*. See *Ortelius Index*, *verbō*, *Ansiatici*. — *Et quod habeant Gildam Mercatoriam cum Hansa,*

Hansa, &c. Carta Hen. 7. Ball. & Burgens. Mountgomer.

Hap, (Fr. Happer, to catch or snatch) Signifies the same with us, as to *hap* the possession of a Deed Poll, *Littlcom*, fo. 8. To *hap* the rent; As, if partition be made between two Parceners, and more Land be allowed to one than the other, and she that has most of the Land, charges her Land to the other, and she *happeth* the rent, she shall maintain Assise without specialty. *Terms Ley*.

Baque, Is a hand-Gun of about three quarters of a yard long. *Anno 33 H.8. ca. 6.* and *2 & 3 Ed. 6. ca. 14.* There is also the *half-baque*, or *demi-baque*.

Baquebut, (Fr.) A kind of Gun or Caliver, otherwise called an *Arquebuse*. *Anno 2 & 3 Ed. 6. ca. 14.* and *4 & 5 Ph. & Ma. ca. 2.*

Hararium — *Et decimas de dominio suo, de prauis, de bladis, parcis, Haratiis, molendinis & de trivariis. Mon. Ang. i. par. fo. 339.* Probably from *bara*, a Swinesty, it might signify the breed or stock of Swine.

Hariot, alias **Heriot**, (*Heriotum*) Sir Edward Coke on *Litt. fo. 185. b.* says, This, (as he takes it) in the Saxon Tongue, is called *Heric-gast*, that is, the Lords Beast; for here, (says he) is Lord, and *gast* is Beast; from which I crave liberty to dissent: For, *Here* in Saxon signifies an Army; and the Saxon *Hepegeat*, (from whence we derive our *Heriot*) Signify'd Provision for Warr, or a Tribute given to the Lord of a Mannor, for his better preparation towards Warr: *Eras enim Heretum militaris supellefiliis praefatio, quam obeunte vassallo, Dominus reportavit in suis ipsius munitionem*, says *Spelman*. And, by the Laws of *Canutus*, it appears, that at the death of the great Men of this Nation, so many Horses and Armes were to be paid, as they were in their respective life-times, obliged to keep for the Kings Service. It is now taken for the best Beast a Tenant hath at the hour of his Death, due to the Lord by Custom, be it Horse, Ox, &c. and in some Mannors, the best piece of Plate, Jewel, or the best good. *Heriot* is of two sorts; First, *Heriot Custom*, where *Heriots* have been paid time out of mind by Custom, after the death of Tenant for life. 2. *Heriot Service*, when a Tenant holds by such service to pay *Heriot* at the time of his death. For this the Lord shall distrain, and for the other he shall seize, and not distrain. If the Lord purchase part of the Tenancy, *Heriot Service* is extinguish'd, but not so of *Heriot Custom*. *Cokes 8 Rep. Talbots Case. See Farley.*

Part, Is a Stag of five years old compleat; And, if the King or Queen hunt him, and he escape, then is he called a *Hart-Royal*; And, if by such hunting, he be chased out of the Forest, Proclamation is commonly made in the places adjacent, that in regard of the pastime the beast has afforded the King or Queen, none shall hurt him or hinder him from return-

ing to the Forest, then is he a *Hart-Royal Proclaimed*. *Manwood, Part 2. ca. 4. num. 5.*

Harth-penny, and **Harth-silver**. See *Chimney-Money*, and *Peter-Pence*.

Hautbergets. See *Haberjetts*.

Haw, (from the Sax. *Haga*) A small quantity of Land, so called in Kent; as a *Hempaw*, or *Beanhaw*, lying near the House, and enclosed for that use. *Sax. ditt.* But, I have seen an ancient MS that says, *Hawes vocantur mansiones five domus*. And Sir *Edw. Coke* (on *Litt. fo. 5 b.*) Says, in an ancient Plea concerning *Feverham* in Kent, *Haws* are interpreted to signify *Mansiones*.

Haward. See *Hayward*.

Hautberk, or **Haubert**, quasi **Hautberg**, (Fr. *Haubert*. i. *Loris*,) He that holds Land in France by finding a Coat, or Shirt of Mayle, when he shall be called, is said to have *Hauberticum feudum*, *fief de Haubert* — *Hauberk*, or *Haubergion*, with our Ancestors did signify as in France, a Coat or Shirt of Mayle, and it seems to be so used *Anno 13 Edw. 1. Stat. 3. ca. 6.*

Hawkers, Those deceitful Fellows, who went from place to place buying and selling Bras, Pewter, and other Merchandise, which ought to be utter'd in open Market, were of old so called. The word is mentioned *Anno 25 Hen. 8. ca. 6.* and *33 ejusdem. ca. 4.* We now call those *Hawkers*, who go up and down London Streets crying News-books, and selling them by retail; and, the Women who sell them by wholesale from the Press, are called *Mercury Women*. The Appellation of *Hawkers* seems to grow from their uncertain wandring, like those who with *Hawks*, seek their Game where they can find it.

Haya, (Gal. *Haye*, Sax. *Hege*,) A Hedge; also a piece of Ground enclosed with a hedge.

Hayward, (from the Fr. *Hay*, i. *Sepes*, and *Garde*, i. *Custodia*) Signifies one that keeps the common herd of the Town; and, the reason may be, because one part of his Office is to look that they neither break nor crop the *bedges* of enclosed Grounds. He is a sworn Officer in the Lords Court, the form of whose Oath you may see in *Kitchin*, fo. 46.

Hazarders, Are those that play at the Game at Dice, called *Hazard*; *Hazardor communis ludens ad falsos talos adjudicatur quod per sex dies in diversis locis ponatur super collistrigium. Int. Plac. Trin. 2. Hen. 4. Sussex 10.*

Headbozow, (from the Sax. *Head*. i. *Sub-limus*. & *Borpge*, fide *jusser*) Signifies him that is chief of the Frankpledge, and that had the principal government of them within his own pledge. And, as he was called *Headbozow*, so was he also called *Burrotthead*, *Bursholder*, *Thirdbozow*, *Lithingman*, *Chief-pledge*, or *Bozowelder*, according to the diversity of speech in several places. Of this see *Lambert* in his explication, *&c. verbo, Centuria; Smyth de Rep. Angl. lib. 2. ca. 22.* The same Officer is now called a *Constable*. See *Constable*.

Head-pence. Was an exaction of 40*l.* and more, heretofore collected by the Sheriff of Northumberland of the Inhabitants of that County, twice in seven years; that is, every third and fourth year, without any account made to the King; which was therefore by the Stat. 23 Hen. 6. cap. 7. Clearly put out together. See *Common Fine*.

Head-silver. See Common Fine.

Healfang or **Halsfang**, Is compounded of two Saxon words **Halſ**, i. **Cillum**, and **Fang**, **Captus**; **pæna scilicet**, **qua alicui collum stringatur**. See **Pillory**.

Hearth-money. See *Chimney-money*.

Heck, Is the name of an Engin to take Fish in the River Ouse by York. Anno 23 Hen. 8. cap. 18.

WEDA. A Haven or Port. *Domesday.*

Heir (Heres) Is he that succeeds, by right of Blood, in any Mans Lands or Tenements in Fee; for nothing passeth *Fure Hereditatis*, but *Fee*. By the Common Law a Man cannot be Heir to Goods or Chattels, for *Heres dicitur ab Hereditate*. Every Heir, having Land by descent, is bound by the binding Acts of his Ancestors, if he be named, *Qui sentit comodum, sentire debet & opus*. Coke on Littl. fol.

7, 8. **Last Heir.** See *Last*.

Heire-lome (from the Sax. *Heiçp*, i. heres, & *leome*, i. membris) Omne utensile robustum quod ab aedibus non facile revellitur, id estque ex parte quorundam locorum ad heredem transit, tanquam membrum hereditatis. Spelm. It comprehends divers implements of Household, as Tables, Presses, Cupboards, Bedsteads, Furnaces, Wainscots, and such like, which (in some Countreys, having belonged to a Houfe certain descentes, and never inventoried, after the decease of the owner, as Chattels) accrue by Custom, not by Common Laws to the Heir with the Houfe it self. *Coassutudo Hundredi de Streftord in Com. Oxon.* est, quod heredes tenementorum infra Hundredum prædicti existent post mortem antecessorum suorum habeant, Sc. Principalium, Anglice **an Heir-lome**, viz. De quadam genere, catalorum, utensilium, Sc. optimum plaustrum, optimam carucam, optimum eipsum, Sc. Coke on Littl. fol. 18. b.

Hebber-man, A Fisherman below London-bridge, who fishes for Whitings, Smelts, &c. commonly at Ebbing-water; and therefore so called. Mentioned in *Art.* for the *Thames*. *Faw.* Printed 1622.

Hobbing-wears (Mentioned in 23 Hen. 8. cap. 5.) Are Wears or Engins made or laid at Hobbing-water, for taking Fish. **Quare.**

Heila, servitium. Inter Placita de temp.
7o Regis. Northampton 50.

Henchman. Qui equo innititur belliscose,
From the German **Hengst**, a War-horse:
With us it signifies one that runs on foot, at-
tending upon a Person of Honor or Worship.
Anno 3 Edw. 4. cap. 5. and 24 Hen. 8. cap. 13.
It is written **Henryman**, Anno 6 Hen. 8.
cap. 1.

...and so on.

Head-pence. Was an exaction of 40*l*. and more, heretofore collected by the Sheriff of Northumberland of the Inhabitants of that County, twice in seven years; that is, every third and fourth years; without any account made to the King: which was therefore by the Henghen (Sax. Hengen) A Prison, Goal, or House of Correction. *Si quis amicū destitutus, vel alienigena, ad tantum laborem tensat, ut amicum non habeat, in prima accusatione ponatur in Hengen;* & ibi sustinetur donec ad Delicium vobat. LL Hen. I. cap. 65.

Hengwite, Significat quietantiam misericordia de latrone suspenso absque consideratione. Fleta, lib. i. cap. 47. See Hankwit.

Herald, Heralt, or Harold (Ital. *Heraldo*, Fr. *Herault*, *Vel quasi Herus altus*) Signifies an Officer at Arms, whose Function is to denounce War, to proclaim Peace, and to be employed by the King in Martial Messages. Thus described by Polidor, lib. 19. *Habent infusor Appa-*

Heck, Is the name of an English to take
Fish in the River Ouse by York. Anno 23 Hen.
8. cap. 18.

Heda, A Haven or Port. *Domesday.*

Heir (*Hæres*) Is he that succeeds, by right
of Blood, in any Mans Lands or Tenements
in Fee ; for nothing passeth *Jure Hæreditatis*,
but Fee. By the Common Law a Man cannot
be Heir to Goods or Chattels, for *Hæres* dicitur
ab *Hæreditate*. Every Heir, having Land by
descent, is bound by the binding Acts of his
Ancestors, if he be named, *Qui sentit commo-
dum, sentire debet onus*. Coke on Littl. fol.
7. 8.

Eccl. by *Fouquer*, no. 19. *Hæren impiger Appar-
ritores ministros, quos Heraldos dicunt, quorum
prefectus Armorum Rex vocatur, hic bellis &
pacis nunci : Ducibus, Comitisque a Rege factis,
in signia aptant ac eorum funera curant.* They
are Judges and Examiners of Gentlemens Arms,
and Conservers of Genealogies ; they Martial
the Solemnities at the Coronation, and Funerals
of Princes, Manage Combats, and such like.
The three cheif are called *Kings at Arms*, of
which, *Carter* is the Principal, instituted and
created by Henry the Fifth (*Stows Annal. pag.
584.*) whose office is to attend the Knights of
the *Carter* at their Solemnities, and to Marshal

79.⁸ Last Heir. See Last.
Heire-lome (from the Sax. Heip, i. heres, & leone, i. membrum) Omne utensile robustissimum quod ab aliis non facile revellit, id estque ex more quorundam locorum ad barebem transi, tanquam membrum hereditatis. Spelm. It comprehends divers implements of Household, as Tables, Presses, Cupboards, Bedsteads, Furnaces, Wainscots, and such like, which (in some Countreys, having belonged to a House certain descents, and never inventoried, after the decease of the owner, as Chattels) accrue by Custom, not by Common Laws to the Heir with the House it self. Confessudo Hundredi de Stretford in Com. Oxon. est, quod heredes tenementorum infra Hundredum prae dicti existent post mortem antecessorum suorum habebunt, Sc. Principalium, Anglice an Heire-lome, viz. De quadam genere catalorum, utensilium, Sc. optimum plaustrum, optimam carucam, optimum eispum, Sc. Coke on Littl. fol. 18. b.

Hebber-man, A Fisherman below London-bridge, who fishes for Whiting, Smelts, &c. commonly at Ebbing-water, and therefore so called. Mentioned in *Art.* for the *Abbas-*
Fars, Printed 1632. *See also* *Hebber-wears*.
Hebber-wears (Mentioned in 2 Hen. 8. cap. 5.) Are Wears or Engins made or laid at Ebbing-water, for taking Fish. *Quare.*
Heila, servitium. *Inter Placita de temp.*
Jo. Regis, Northampton 50.
Henchman, *Qui quo innititur bellicoso,*
From the German **Hengst**, A War-horse: With us it signifies one that runs on foot, at
created to attend certain great Lord, &c. in Martial Expeditions, *viz.* York, Lancaster, Somerset, Richmond, Chester, Windsor. Lastly, there are four other called Marshals or Pursuivants at Arms, who commonly succeed in the place of such Heralds as die, or are preferred, and those are Blew-mansle, Rouge-cross, Rouge-dragon, and Percullis. These Heralds are by some Authors called *Nuncii Sacri*, and by the Ambient Romans, *Feciales*, who were Priests. Kings at Arms are mentioned in the Statute of 14 Car. 2. cap. 33. Of these see more in *Sir Hen. Spelmans learned Glossarium*.

Herbage (Fr.) Lat. *Herbagium*) Signifies the Pasture or Fruit of the Earth, provided by nature, for the Bit or Mouth of the Cattle: And it is commonly used for a Liberty that a

Man hath to feed his Cattle in another Mans Ground, as in the Forest. *Crump. Jur. fol. 197.* Occurrit frequens (says Spelman) pro jure depascendi alienum solum, ut in Forestu.

Onibus — Hugo de Logiu — salutem. Sciatis me dedisse — Thomae de Erdyngton totam terram meam de Al tedemore cum pertin. Reddendo inde annuatim sex sagittas barbatas ad festum S. Mich. Salvo mibi & Marg. uxori mea, quod nos in predicta terra babebimus Liberum Herbagium ad cusionem nostrum, nobis & omnibus hominibus nostris de familia nostra transcutibus, Ec. Sine Dat. Penes Wil. Dugdale Arm.

Herbenger, (from the Fr. *Herberger*, i. *Hospitio accipere*) Signifies with us an Officer of the Kings Court, who allots the Noblemen, and those of the Household their Lodgings. *Kitchin* (fol. 176.) uses it for an Inn-keeper.

Hercibant (a Gal. *Hercer*, to Harrow) — *Arabant & Hercibant ad Curiam Domini*, i. They did Plough and Harrow at the Manner of the Lord. *4 Inst. fol. 270.*

Hereditaments (*Hereditamenta*) Signifie all such immovable things, be they corporeal, or incorporeal, as a Man may have to himself and his Heirs, by way of inheritance (see 32 Hen. 8. cap. 2.) or, not being otherwise bequeathed, do naturally, and of course descend to the next Heir, and tall not within the reach of an Executor or Administrator, as Chattels do. It is a word of great exten^{sion}, and much used in Conveyances; for by the Grant of *Hereditaments*, Isles, Seignories, Mannors, Houses, and Lands of all sorts, Charters, Rents, Services, Advowsons, Commonons, and whatsoever may be inherited, will pass. *Coke on Littl. fol. 6.* *Hereditamentum est omnes quod jure hereditario ad heredem transeat.*

Heresfare (Sax.) *Profectio militaris & expeditio*. See *Subsidy*. *mod. 170.*

Heregeat. See *Hariot*.

Heregeld (Sax.) *Pecunia seu tributum a-lendo exercitu collatum*. See *Subsidy*.

Heriot. See *Hariot*.

Herelita or **H**eressia, Signifie a Soldier hired, and departing without Licence; from the Saxon *Hele*, *exercitus*; & *slitan*, *scindere*, *dissolere*; not from *Sliten*, to depart, as in *4 Inst. fol. 128.*

Hermitage (*Hermitagium*) The Habitation of a Hermite, a solitary place. *Vulgariter autem locus iste a laicis Heremitagium nuncupatur*, propter solitudinem; non quod Heremita aliquis aliquo tempore ibidem solebat conversari. *Mon. Angl. 2 par. fol. 339. b.*

Hermitozium, Is by some Authors confounded with *Hermitage*; but I have seen it distinguished, to signifie the Chappel, or place of Prayer, belonging to an *Hermitage*; for I finde in an old Charter. — *Capellam sive Hermitorium.*

Herpstac. See *Frostmortel*.

Hesta or **H**estha. *Hestam in aliis pro Capo seu Gallo caserato, vel pullo quodam gallinaceo:*

A Gal. *Hestoudeau*, a Cockerel or Caponet. *Spel. See Rusca.*

Hest-corne. — In redcunda vero Rex Athelstanus, post peractam vitoriam, declinavit per Ebbor. versus Beverlacum; ac nonnullas possessiones redimendo. Cultellum per eum ibi depositum, dedit Deo & gloriose Confessori Johanni predicto, a septem Presbyteris ibidem Deo seruientibus. — *Quasdam arenas*, vulgarter dictas *Hestcorne*, percipiendas de Dominis & Ecclesiis in illis partibus, quas Ministri dicta Ecclesia, usque in praesens percipiunt pacifice & quiete. *Mon. Angl. 2 par. fol. 267. b.*

Hexam. Was anciently a County of it self, and a Franchise, where the Kings Writ went not; but by the Statute of 14 Eliz. cap. 13. *Hexam and Hexamshire shall be within the County of Northumberland*. See *4 Inst. fol. 222.* It was also of old a Bishoprick by the name of *Episcopatus Haguastaldensis*. See *Mon. Angl. 2 par. fol. 91.*

Hide of Land (Sax. *Hyde Lands ab Hyden, tegere*) *Tanta fundi portio quanta unico per annum, coli poterat aratro*: A Plough-Land. In an old Law Manuscript it is said to be 120 Acres. *Bede* calls it *Familiam*, and says it is as much as will maintain a Family. Others say, it is four Yardland. *Crump.* in his *Jurisd. fol. 222.* says, *A Hide of Land contains One hundred Acres, and eight Hides make a Knights Fee*. *Hida autem Anglice vocatur terra umius aratri cultura sufficiens*. *Hen. Hunting. Hist. lib. 6.* But Sir Edward Coke holds, *That a Knights Fee, a Hide of Plough-Land, a Yard-Land, or Ongang of Land, do not contain any certain number of Acres*. *On Littl. fol. 69.* The distribution of England by *Hides of Land*, is very ancient; for there is mention of them in the Laws of King Ina, cap. 14. *Henricus I. Maritanda filia sua gratia Imperatori, cepit ab unaquaque hidâ Anglia tres soli*. *Spel.* And see *Can. Brit. fol. 158.*

Hide-landes (Sax. *Hydelandes*) *Terra ad Hydam seu teckton pertinetentes.*

Hide and gau. Did anciently signifie Arable Land. *Coke on Littl. fol. 85. b.* For of old to gain the Land, was as much as to Till, or arce it. See *Ganage*.

Hidge (*Hidagum*). Was an extraordinary Tax, payable anciently for every *Hide* of land.

Bratton. lib. 2. ca. 6. writes thus of it. *Sunt etiam quedam communes prestationes, qua servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenierit, vel cum Rex veniret; sicut sunt Hidagia, Coragia, & Carvagia, & alia plura de necessitate, & ex consensu communis totius regni producta, & que ad Dominum seculi non pertinent, sec. King. Etheldred in the year of Christ 924. when the Danes landed at *Sandwich*, taxed all his Land by *Hides*; every 310 Hides of Land found one Ship furnished, and every 8 Hides found one Jack, and one Saddle for defence of the Realm. *Willelmus Cynglorf de unaquaque Hida per Angliam seu solidos accepit. Floren. Wigorn. in An. 1084.* Sometimes *Hidge* was taken for the being*

being quit of that Tax; which was also called *Hyde-gyld*.

Hidel, (Anno 1 Hen. 7. ca. 6.) Seems to signify a place of protection, or a Sanctuary.

Huis testibus. Antiquity did add these words in the continent of the Deed, after the *In cuius rei testimonium*, written with the same hand with the Deed, which Witnesses were called, the Deed read, and then their names entered; And this clause of *Huis testibus* in Subjects Deeds continued until and in the Reign of Hen. 8. but now is wholly omitted. Coke on Litt. fol. 8.

Hine, (Sax.) A Servant, or one of the Family; but, it is now taken in a more restrictive sense, for a Servant at Husbandry; and, the *Master hine*, he that oversees the rest. Anno 12 R. 2. ca. 4.

Hinesfare, or *Heinfare* (from the Sax. *Hinc*, a Servant, and *Fafe*, a going or passage) the going or departure of a Servant from his Master. — *Siquis occidit hominem Regu & facit Hein faram*, Dat. Regi xx s. Sc. Domesday, tit. Arcansfeld.

Hinegeld, Significat quietantiam transgressions illata in servum transgredientem. MS. Arth. Trevor. Ar.

Hirciscunda, The division of an inheritance among Heirs. Goldm. dict. *Actio Hirciscunda*. See *Action mixt.*

Hyth, Domestica vel intransigentia familia. Inter. Plac. Trin. 12 Ed. 2. Ebor. 48. MS.

Hiche. See *Hyth*.

Hoastmen, (Anno 21 Jac. ca. 3.) Are an ancient Gild or fraternity at Newcastle upon Tyne, who deal in Seacoal.

Hobblers, or *Hobilers* (*Hobelarii*). Erant milites gregibus levi armatura & mediceris equo, ad omnem motum agili, sub Edwardo 3 in Gallia merentes. *Dicitur ut reor*. vel ab ipsis modi equo, an *Hobby* appellato, vel potius a Gal. *hobille*, *tunica*. *Tabula classes* describentes in exercitu ejusdem. *Edvardi Caeterem obdident*. Anno 1350, sic habent. Sub Comite Kildarie, *Bancervi* 1. Knights 1. Esquires 38. Hobilers 27, Sc. These were light-horsemen, or (according to Cowel) certain Tenants, who, by their Tenure were bound to maintain a little light Nag, for certifying any invasion; or such like peril towards the Sea-side, as Portsmouth, &c. of which you may read 18 Ed. 3. Stat. 1. ca. 7. and 25 ejusdem. Stat. 5. ca. 8. and *Cam. Britan.* fol. 272. *Duravit vocabulum usque ad statum*, Hen. 8. says Spelman. *Genit darmos & Hobelours*; see *Prys Animad.* on 4 Inst. fol. 307.

Hock tuesday-money, Was a Tribute paid the Landlord, for giving his Tenants and Bondmen leave to celebrate that day (which was the second Tuesday after Easter week) whereon the English did Master the domineering Danes. Mr. Fab. *Philips Mistaken Recompence*, fo. 39.

Hocketor, or *Hocquetteur*, Is an old French word for a knight of the Post; a decay'd man, a basket-carrier. 3 Part. Inst. fol. 175. *Que nul enquerant neu respoignant ne*

soit surpris neu cheson per Hocketours, parent que la verite ne soit ensue. Stat. Ragman.

Hogenhine, (rectius, *Third night awn hine*. i. Third night own servant) Is he that comes guest-wife to an Inne or Houfe, and lies there the third night, after which he is accounted of that Family; and, if he offend the Kings Peace, his Host was to be answerable for him. See *Third-night-awn-hine*.

Hokeday, Otherwise called *Hock-tuesday*, was the second Tuesday after Easter-week. — *Et ad festum S. Mich. cum tenere voluerit*. —

*Senescallus Curiam de la Hele, habebit de Celevario quinque albos panes & Coffrelos suos plenos Cervisia, & ad idem Festum pro Curia de Kinnersdene de privilegiis tenendis, habebit totidem, & ad le Hokeday totidem Mon. Angl. 2 Par. fo. 550. b. See *Hocktuesday Money*.*

Hogshead, Is a Measure of Wine, Oyle, &c. containing half a Pipe, the fourth part of a Tun, or 63 Gallons. Anno 1 R. 3. ca. 13.

Holm, (Sax. *Hulmu*), *insula amnica*, A River Island, according to Bede; sometimes found in ancient Deeds and Records. Coke on Litt. fol. 5. — *Cum duabus holmis in campus de wedone*. Mon. Angl. 2. p. fo. 292. b. where it seems to have a different signification.

Homage, (Fr.) Is derived from *Homo*, and is called *Homage*, because when the Tenant does this service, he says, *I become your Man*; It is also called *Manhood*, as the *Manhood* of his Tenant and the *Homage* of his Tenant is all one. Coke on Litt. fo. 64. In the Original Grants of Lands and Tenements by way of Fee, the Lord did not onely tyne his Tenants to certain Services, but also took a submission with Promise and Oath to be true and loyal to him, as their Lord and Benefactor. This submission is called *Homage*, the form whereof you have in 17 Edw. 2. Stat. 2. in these words.

*When a freeman shall do Homage to his Lord, of whom he holds in chief, he shall hold his hands together between the hands of his Lord, and shall say thus, I become your man from this day forth for life, for member and for worldly honour, and shall owe you my faith, for the Land I hold of you, saving the Faith that I owe unto our Sovereign Lord the King, and to mine other Lords. And in this manner the Lord of the Fee, for which Homage is due, takes Homage of every Tenant, as he comes to the Land or Fee. Glaz. lib. 9. ca. 1. except women, who perform not Homage, but by their Husbands (yet Fitz. in his Nat. Br. fol. 157. fayes the contrary) because Homage specially relates to service in War. He says also, That Consecrated Bishops do no Homage, but onely fealty; the reason may be all one; yet the Archbishop of Canterbury does Homage on his knees to our Kings at their Coronation; and, I have read, that the Bishop of the Isle of Man is Homager to the Earl of Derby. Fulbec reconciles this, fol. 20. in these words; By our Law a Religious Man may do Homage, but may not say to his Lord, *Ego devenio homo vester*, because he has professed him-*

self to be onely Gods Man; but, he may say, I do unto you homage, and to you shall be faithful and loyal. See Britton, ca. 68.

Homage is either new with the Fee, or ancestral. Homage is also used for the Jury in a Court Baron, because it commonly consists of such as owe Homage to the Lord of the Fee. This Homage is used in other Countreys as well as ours, and was wont to be called *Hominium*. See *Hotman de verbis feud. verbo Homo*.

Homage auncestrel, Is, where a Tenant holds his Land of his Lord by Homage, and the same Tenant and his Ancestors, (whose heir he is) have holden the same Land of the same Lord and his Ancestors, whose heir the Lord is, time out of memory of man, by Homage, and have done them Homage; such service draws to it warranty from the Lord, &c. Thus Littleton. In this example here put (says Sir Edward Coke) There must be a double prescription, both in the blood of the Lord and of the Tenant; and therefore, I think there is little or no land at all at this day holden by Homage ancestral: Yet, I have been credibly informed, that in the Manor of Whitney, in Herefordshire, whose Lord is of the same name, and the family has been seated and continued there for many ages; is one West a Tenant, who can perfectly prescribe to hold his Land of Tho. Whitney Esq; the present Lord thereof, by Homage ancestral.

Homager, (from the Fr. *Homage*,) One that does, or is bound to do Homage to another. As the Bishop of the Isle of Man is said to be Homager to the Earl of Derby. See *Homage*.

Homagio respectuando, Was a Writ to the Escheator, commanding him to deliver seisin of lands to the heir, that is of full age, notwithstanding his Homage not don. *Fitz. Nat. Br. fol. 269.*

Homesoken, Reellus Hamsoken, & Hamsoca, (from the Sax. Ham. i. *Domus, Habitatio, & socne, Libertas, Immunitas*) Is by Bratton, lib. 3. Tratt. 2. ca. 23.) thus defined, *Homesoken dicitur invasio domus contra pacem domini Regis*. It appears by Rastal, that in ancient times some men had an immunity to do this. *Si quis Hamsocam violaverit, jure Anglorum Regi emendet* s. lsbv. LL. Canuti. cap. 39. Hamsoken est quod Prior tenebit Placita in Curia sua de bis qui ingrediuntur domum vel Curiam alicuius ad litigandum vel furandum vel quicquid a-sportandum, vel aliquid aliud faciendum, contra voluntatem illius qui debet dominum vel Curiam. Ex Reg. Priorat. de Cokesford. See *Ham-soken*.

Homicide, (*Homicidium*) Is the slaying of a Man, and is divided into voluntary and casual. Voluntary homicide is that, which is deliberated and committed of a set purpose to kill; casual is that which is done by chance, without any intention to kill. *Homicide voluntary* is either with precedent malice, or without; the former is Murder, and is the Felonious killing, through malice prepensed, of any person living

in this Realm under the Kings protection. *West. par. 2. Symb. tit. Indictments, Sect. 37. usque ad 51.* where you may see divers subdivisions of this matter. See also *Glanvil, lib. 14. ca. 3. and Coke on Litt. lib. 3. ca. 8.* See *Murther; Manslaughter and Chancemedley*.

Homine eligendo ad custodiendam pericula sigilli pro mercatozibus aditi, Is a writ directed to a Corporation, for the choice of a new Man to keep one part of the Seal, appointed for Statutes-Merchant, when the other is dead, according to the Statute of *Alton Burnel*. *Reg. of Writs*, fol. 178. a.

Homine replegiando, Is a Writ for the Bailing a man out of Prison. In what cases it lies, see *Fitz. Nat. Br. fol. 66.* And *Reg. of Writs*, fol. 77.

Homine capto in Withernamium, Is a Writ to take him that has taken any Bondman or Woman, and led him or her out of the County, so that he or she cannot be replevied according to Law, *Reg. of Writs*, fol. 79. a. See *Withernam*.

Hond-habend, (from the Sax. *Hond*, Hand, and *Habens*, having) Signifies a circumstance of manifest Theft, when one is apprehended with the thing stolen in his hand. *Bratt. lib. 3. Tratt. 2. ca. 8. 32 & 35.* who also uses *handberend* in the same sense, sc. *latro manifestus*.

Hond-peny. — *Et sunt quieti de chevagio, Hond-peny, Buckstall & Triffris & de omnibus misericordiis, &c. Privileg. de Semplingham. Quere.*

Honor, Is, besides the general signification, used especially for the more noble sort of *Seigniories*, whereof other inferior Lordships or Mannors depend, by performance of some Customs or Services to those who are Lords of them. (Though anciently Honor and Baronia signify'd the same thing.) *Vt Manerium plurimum gaudet (interdum feodis, sed plerumque) tenementis, consuetudinibus, serviciis, &c. Ita Honor plurima complectitur Maneria, plurima feoda militaria, plurima Regalia, &c. dictus etiam olim est Beneficium seu Feodium Regale, tentusque semper a Rege in Capite. Spel.* The manner of creating these Honors by Act of Parliament, may in part be gather'd out of the Statutes 53 Hen. 8. ca. 37, 38. and 34 ejusdem, ca. 5. where *Ampthil, Grafton and Hampton Court*, are made Honors. And by 37 Hen. 8. ca. 18. the King is empowered by letters-patent to erect four several Honors, viz. *Westminster, Kingston upon Hull, St. Osyths and Donnington*, and as many other Honors as he will. In reading several approved Authors and Records I have observed these following to be likewise Honors, viz. The Honors of *Aquila, Clare, Lancaster, Tickhill, Wallingford, Nottingham, Bolstone, Westgreenwick, Bedford, Barkhamstead, Plimpton, Creccure, Haganet, Eastgreenwick, Windsor, Bealieu, Peverel, Ramesey, Skipton, Wyrmsgay, Clinn, Raleigh, Montgomery, Wigmore, Huntingdon, Eye, Baynards Castle, Gloucester, Arundel, Heveningham, Cockermouth, Buling-broke,*

broke, Folkingham, Leicester, Hinkley, Whitchurch, Hertford, Newmelle, Chester, Lovetot, Pickering, Mardstone, Tutbury, Warwick, Bregbnok, or Brecknock, Bremer, Halton. And, in a Charter of 15 Hen. 3. I find mention of the Honors of Kermardin and Cardigan.

Sciatis communiter, &c — accepisse in manu mea & defensione totum Honorem Ecclesie de Ramefes, &c. Charta Gulielmi I. Abbatii Ramel. Sect. 174. See Cam. Britan. fol. 315, 407, 594, & 690. &c. Bakers Chro. fol. 117. Inquis. 10 Edw. 2. Cokes 4 Inst. fol. 224. Mag. Chartis, cap. 31. Reg. Orig. fol. 1. Cramp. Juris. fol. 115. Briske, tit. Tenure, num. 26, &c. This word is used in the same signification in other Nations.

Honor Courts, Are Courts held within the Honors aforesaid, mentioned 33 Hen. 8. cap. 37. And 37 Eiusdem. cap. 18.

Honorary Services, (Anno 12 Car. 2. cap. 29.) Are such as are incident to the Tenure of Grand Serjeanty, and annexed commonly to some Honor or Grand Seigniory.

Hontfongenethes. — *Cum omnibus aliis libertatibus, tantummodo Hontfongenerhes mibi retento. Carta Wil. Comitis Marchionis. In Mon. Angl. 1 Par. fol. 724.* This should have been written **Hondfangenethes**, and signifies a Thief, taken with **Hondha-bend**, i. Having the thing stolen in his hand.

Hornebeam-Pollengers, Are Trees so called, that have usually been lopped, and are above twenty years growth, and therefore not tythable. *Plovden, Casu, Sph. fol. 470.*

Hornegeld (from the Sax. *Hofn, cornu & Geld, solatio*) Signifies a Tax within the Forest, to be paid for horned Beasts. *Cramp. Juris. fol. 197.* And to be free of it, is a privilege granted by the King to such as he thinks good; *Quicunx esse de omni collectione in Foresta de bestiis cornutis asses. 4 Inst. fol. 306.* — *Et sunt quieti de omnibus geldis, & Danegeldis, & Vodgeldis, & Senegeldis, & Horngeldis, &c. Diploma. Hen. 3. Canonici & Monialibus de Semplingham. See Subsidy.*

Hors de son Fee (Fr. i. out of his Fee) Is an Exception to avoid an Action brought for Rent, issuing out of certain Land, by him that pretends to be the Lord, or for some Customs and Services: For if the Defendant can prove the Land to be without the compass of his Fee, the Action falls. See *District* and *Broke*, *botititudo*.

Hospitalers (*Hospitalarii*) Were a certain order of Religious Knights, so called, because they built an Hospital at Jerusalem, wherein Pilgrims were received: To these Pope Clement the Fifth transferred the *Templars*, which Order, by a Council held at Vienne, he suppressed, for their many and great misdemeanors. These Hospitalers were otherwise called *Knights of St. John of Jerusalem*, and are now those we call the *Knights of St. John of Malta*. *Cassan. Gloria mundi, part. 9. Confid. 5.* This Constitution was also obeyed in Edward the Second's time here in England, and confirmed by Parliament. *Walsingham. Hist. Edw. 2.* These are mentioned 13 Edw. 1. cap. 43. and 9 Hen. 3. cap.

37. They had many privileges granted them by the Popes, as immunity from payment of Tythes, &c. Their Lands and Goods were put into the King's dispose by Stat. 32 Hen. 8. cap. 24. See *Mon. Angl. 2 part. fol. 489.*

Hotchpot (Fr. *Hochpot*) A confused mingle-mangle of divers things jumbled or put together; so also of Lands of several Tenures. As, a Man seised of thirty Acres of Land in Fee, hath issue two daughters, and gives with one of them ten Acres in Frane-marriage, and dies seised of the other twenty: Now, if she, that is thus married, will have any part of the twenty Acres, she must put her Lands given in Frane-marriage, in **Hotchpot**, that is, she must refuse to take the sole profits of the ten Acres, but suffer them to be mingled with the other twenty Acres; to the end, an equal division may be made of the whole thirty, between her and her sister; and thus, for her ten Acres, she shall have fifteen, otherwise her sister will have the twenty Acres of which the Father died seised. *Littleton, fol. 53. Coke on Littl. lib. 3. cap. 12. Britton, fol. 119.*

Housabold and Hopbold — *Et similiter concessionem quam idem Willielmus de Lancastre fecit eidem (Abbatis & Canonici de Cokersand) & eorum tenentibus villa de Gairstang, tam quae essent, quam qui fuerunt de Housabold and Hopbold cum omnibus aliis libertatibus eidem Villa pertin. Mon. Angl. 2 par. fol. 632. a. Quare.*

House-bote (Compounded of *House* and *Bote*, i. *Compensatio*). Signifies *Eftovers*, or an allowance of Timber, out of the Lord's Wood, for the repair or upholding a House or Tenement. *Housebote* (says Coke on Littl. fol. 41. b.) is twofold, viz. *Eftoverium adificandi & ar-dendi*.

House-robbing or **House-breaking** (Sax. *Hous-bryc*) Is the robbing a Man in some part of his House, or his Booth or Stall in any Fair or Market, and the owner or his Wife, Children or Servants being within the same: This was Felony by 23 Hen. 8. cap. 1. and 3 Edw. 6. cap. 9. but now it is Felony, though none be within the House, by 39 Eliz. cap. 15. See *Burglary*, and *Weft*, part. 2. *Symb. tit. Indictments*, sect. 67.

Hudegeld, Significat *quietantiam transgressio-nis illata in serum transgredientem*. Supposed to be mistaken by *Fletia* or mis-printed for *Hinegeld*.

Hue and Cry (*Hutesum and Clamur*, from the Fr. *Huer* and *Crier*, both signifying to shout, and cry out aloud) Signifies a pursuit of one who hath committed Felony by the High-way; for if the party robbed, or any in the company of one murdered or robbed, come to the Constable of the next Town, and will him to raise *Hue and Cry*, or to pursue the Offender, describing the party, and shewing, as near as he can, which way he is gone, the Constable ought forthwith to call upon the Parish for aid in seeking the Felon; and if he be not found there, then to give the next Constable warn-ing,

ing, and he the next, until the Offendor be apprehended, or at least thus pursued to the Sea-side. Of this read *Braeton*, lib. 3. tract. 2. cap. 5. *Smith de Repub. Anglor.* lib. 2. cap. 20. And the Statutes 13 Edw. 1. of Winchester, c. 3.—28 Ed. 3. cap. 11. and 27 Eliz. cap. 12.

The Normans had such a pursue with a Cry after Offenders, as this is, which they called *Haro*, of which you may read the *Grand Gustomary*, c. 54. *Hue* is used alone, Anno 4 Ed. 1. Stat. 2. In ancient Records this is called *Hutsum & Clamor*. See *Cokes 2 Part Infis.* fol. 172.

Mandatum est Gulielmo de Haverbul Thesaurario Regi, quod Civitatem London capit in manum Regi, eo quod Cives ejusdem Civitatis non levaverunt Hutsum & Clamorem pro morte Magistri Guidonis de Aretio & aliorum interfectorum, secundum legem & consuetudinem regni.

Rot. Claus. 30 H. 3. m. 5.

Huers. See *Conders*.

Huissiers. See *Visher*.

Hulm. See *Holm*.

Hundred, (Hundredum, Centuria,) Is a part of a Shire so called; either because at first there were an hundred Towns and Villages in each Hundred, or because they did find the King 100 able Men for his Warrs. These were first ordain'd by King *Alfred*, the 29th King of the West-Saxons: *Aluredus Rex, (laxes. Lambert, verbo, Centuria) ubi cum Guthruno daco fœdus inerat, prudentissimum illud olim a Jethrone Moysi datum securus constituit, Angli primus in Satrapias, Centurias & decurias, parvitas est. Satrapiam, Shyre, a Scipian, (quod partiri significat) nominavit; Centuriam, Hundred, & Decuriam, Tooting sive Tenmantale, i. Decemvirale Collegium appellavit; atq; isdem nominibus vel bode vocantur, &c.* This dividing Counties into Hundreds, for better Government, King *Alfred* brought from Germany; For there *Centa* or *Centena* is a jurisdiction over a hundred Towns. This is the original of *Hundreds*, which still retain the name, but their Jurisdiction is devolved to the County Court, some few excepted, which have been by privilege annexed to the Crown, or granted to some great Subject, and so remain still in the nature of a Franchise. This has been ever since the Stat. 14 Edw. 3. Stat. 1. c. 9. whereby these *Hundred Courts*, formerly Farmed out by the Sheriff to other Men, were all, or the most part reduced to the County Court, and so remain at present. So, that where you read now of any *Hundred Courts*, you must know they are several Franchises, wherein the Sheriff has not to do by his ordinary Authority, except they of the *Hundred* refuse to do their Office. See *Weft*, Part 1. Symbol. lib. 2. Sect. 288. —*ad Hundredam post Pascha, & ad proximum Hundredum post Festum St. Mich.* — Mon. Angl. 2. p. fol. 293.a. The word *Hundredum* is sometimes used for an immunity or privilege, whereby a Man is quit of *Hundred-peny*, or *Customes* due to the *Hundreder*. See *Turn*.

Hundzeders, (Hundredarii) Are Men impannel'd, or fit to be empannel'd, of a Jury, upon any Controversie, dwelling within the *Hundred*, where the Land in question lies. *Cromp. Jur. fol. 217. Anno 25 Hen. 8. c. 6.* It also signifies him that has the jurisdiction of a *Hundred*, and holds the *Hundred Court*. An. 13 Ed. 1. c. 38. — 2 Edw. 2. Stat. 2. c. 2 Edw. 3. c. 4. and 'tis sometimes used for the Bayliff of an *Hundred*. *Horns Mirror*, lib. 1. c. 1. of *Office del Coroner*.

Hundred-lagh, (from *Hundred*, and the Sax. *Laga*. i. *Lex*.) Signifies the *Hundred Court*, from which all the Officers of the Kings Forrest were freed, by the Charter of *Canutus*, ca. 9. *Manwood*, Part 1. p. 2. See *Warcot*.

Hundred-penny, — *Est autem pecunia quam subditi causa vicecomes vlim exigebat ex singulis decuris sui Comitatus, quas Tethingas, Saxonæ appellabant; Sic ex Hundredi, Hundred-penny. Spel. Pence of the Hundred, Cam. Brit. fol. 223.*

Hundred-setene — *Et habent Socam & Sacam on Strond & on Streame, on wode & on fold, Grisbriice, Hundred-setena, Adas & Ordelas, &c. Carta Edgari Regis Monast. Glaston. Anno 12 regni. Mon. Angl. 1. p. fa. 16. b. Sæta, or Setena, in composition signifies Dwellers, or Inhabitants. — Debent habere constitutionem Hundredi, quod Angli dicunt Hundred-setene, Text. Roff.*

Hurst, (Sax. *Hurst*) A Wood, or Plump of Trees.

Huscarle, (Sax.) A Domestic Servant, or one of the Family. The word is often found in *Domesday*, where we find the Town of *Dorchester* paid to the use of *Houscarles* one *Mark* of silver. See *Karles*.

Hus & Hant. *Quidam H. P. captus per querimoniā Mercatorum Flandria & imprisonmentus offert Domino Regi Hus & Hant in plegio ad standum recto, & ad respondentum prædictū mercatoribus & omnibus aliis, qui verius eum loqui voluerint. Et diversi veniunt qui manuacipiunt quod dicitur H. P. per Hus & Hant veniet ad summonitionem Regis vel concilii iui in Curia Regis apud Shepweye & quod stabit ibi recto, &c. Placita Curia Regis Anno 27 Hen. 3. rot. 9. Quare, an non sit commune plegium, sicut Jo. Do. & Ric. Ro. See 4 Inst. fol. 72.*

Huseans, (Fr. *Houſeau*,) A kind of Boot, or somewhat made of coarse cloth, and worn over the Stocking, instead of a Boot, a Buskin. It is mentioned in the Stat. 4 Edw. 4. c. 7.

Husfatine, (from the Sax. *Huf*. i. *Dopius*, & *Fast*, *Fixus, quasi domus fixus*.) Is he that holdeth House and Land. *Et in fratre plegio esse debet omnis qui terram tenet & dominum, qui dicuntur Husfatine, & etiam aliis qui illis deserviunt, qui dicuntur Folheres, &c. Braeton, lib. 3. Tract. 2. c. 10.* Some Authors corruptly write it *Hurderefest* & *Hurdefest*, rebus *Heordesfe*, which see in *Glos. in accens Scriptor*.

Husseling people. In a Petition from the Borough of *Learnminster* to King *Edward the Sixth*, the Petitioners set forth, that in their Town, there were to the number of 2000 **Husseling people**, &c. that is, 2000 Communicants; For, *Husel* in Saxon signifies the Holy Eucharist.

Hustings, (*Hustingum*, from the Sax. *Hus*, *Domus* & *hīng*, *causa*, *quasi Domus causarum*) *antiquissima & celeberrima Londoniarum Civitatis Curia suprema*, the principal and highest Court in *London*. *11 Hen. 7. ca. 21.* and *9 Ed. 1. ca. unico*. Of the great antiquity of this Court, we find this Honourable mention in the Laws of King *Edward the Confessor*, — *Debet etiam in London, qua est Caput regni & legum, semper Curia Domini Regis singulis Septimanis Dic Luna Hustings federe & tenere; Fundata enim erat olim & adificata ad instar & ad modum & in memoriam veteris magna Troia. & usque in bodiernum diem leges, & jura & dignitates, libertates, regiasque consuetudines antiqua magna Troja in se continent — & Conjectudines suas una semper inviolabilitate conservat. See Taylors Hist. of Gavelkind*, p. 55. This Court is held before the Mayor and Aldermen of *London*. Error or Attaint lies there of a Judgment or false Verdict in the Sheriffs Court, as appears by *Fitz. Nat. Br. fol. 23.* Other Cities and Towns also have had a Court of the same name, as *Winchester, Lincoln, York, Sheppey*, &c. where the Barons or Citizens have a Record of such things as are determinable before them. *Fleta, lib. 2. ca. 55.* *Stat. 10 Edw. 2. ca. unico.* See *4 Inst. fol. 247.* and *Gloss. in decem Scriptores*, on this word.

Hyde of Land. See *Hide*.

Hyde-gyld, (Sax. *Hyd-gylđ*) A price or ransom paid to save ones skin, (from beating.) Also the same with *Hidage*.

Hyth, (Sax.) A Port, or (little) Haven, to embark, or land Wares at, as *Queen-hyth*, *Lamb-hyth*, &c. New Book of Entries, fo. 3. — *de tota mediata Hitha sua apud Hengestefey, cum libero introitu & exitu*, &c. Mon. Angl. 2 Par. fo. 142. n. 40.

I.

Jack, (olim *Wambasium*) erat tunica, quod non ferro solido, sed tunice plurimo lino intextis manibatur; a kind of defensive Coat worn by Horsemen in War, which some by tenure were bound to find, upon any invasion. See *Hidage*.

Jactibus, & Jettibus, (Lat.) He that loseth by default. *Placitum suum neglexerit & Jactibus exinde remansit.* Formul. Solen. 159.

Jamaica, Is one of the American Islands, lying on the South of *Cuba*; Its length from East to West about 50 Leagues, and breadth 20, the middle of it under the 18th degree of Northern Latitude. It was taken from the *Spaniard* by the *English*, in the year 1655, and is mentioned in the Stat. 15 Car. 2. ca. 5.

Jamaica-wood, (mentioned 15 Car. 2. ca. 5.) Is a kind of speckled or fine-grain'd Wood, of which Cabinets are made; called in *Jamaica*, *Granadillo*; The tree is low and small, seldom bigger than a mans leg.

Jampnum, Furze, or Gorse, and Gorsty-ground. *1 Part Croke, fo. 179.* A word much used in Fines; and seems to be taken from the Fr. *Jaulne*. i. Yellow; because the blossomes of Furze, or Gorse are so. Yet Sir *Edw. Coke* on *Litt. pa. 5.* sayes, *Jampna* signifies a waterish place. *quare*.

Jarr, (Span. *Jarro*. i. An Earthen Pot) with us it is taken for an Earthen pot, or Vessel of Oyl, containing twenty Gallons.

Jarrock, (Anno 1 Rich. 3. ca. 8.) Is a kind of Cork so called, with which this Statute prohibits Dyers to Dye Cloth.

Identitate nominis, Is a Writ that lies for him, who is taken upon a *Capias* or *Exigent*, and committed to prison, for another man of the same name; whereof see the form and further use in *Fitz. Nat. Br. fo. 267.* and *Reg. of Writs*, fol. 194. *Idempliitae nominis* maintainable by Executors, &c. *Anno 9 Hen. 6. ca. 4.*

Ides, (Idū) Eight dayes in every Moneth, so called: In *March, May, July* and *October*, these eight dayes begin at the eighth day of the Moneth, and continue to the fifteenth; in other Moneths they begin at the sixth day, and continue to the thirteenth: Note, that the last day onely is called *Ides*, and the first of these dayes the eighth *Ides*, the second the seventh *Ides*, that is, the eighth or seventh day before the *Ides*, and so of the rest. Therefore when we speak of the *Ides* of such a Moneth in general, it is to be understood of the 15th or 13th day of that Moneth. See *Calends*.

Idiot, Is a Greek word, properly signifying a private man, who has no publick Office; Among the Latins it is taken for *illiteratus, impetratus*, and in our Law for *non compos mentis*, vulgarly, a natural fool. The words of the Statute, (17 Ed. 2. ca. 9.) are *Rex habebit custodiam terrarum fatuorum naturalium* — Whereby it appears he must be a natural fool, that is, a Fool a *Nativitate*; For, if he were once wise, and became a Fool by chance, or misfortune, the King shall not have the custody of him. *Stam. Prærog. ca. 9. Fitz. Nat. Br. fol. 232.* If one have so much understanding as to measure a yard of Cloth, number 20 pence, or rightly name the dayes in the week, or beget a Child, he shall not be accounted an *Idiot*, or Natural Fool, by the Laws of the Realm. See *Cokes 4 Rep. Beverlys Case*.

Idiota inquirenda vel examinanda, Is a Writ directed to the Elector or Sheriff of any County (where the King hath notice of an *Idiot*, naturally born so weak of understanding, that he cannot manage his inheritance) to call before him the party suspected of Idiocy and examine him, and to enquire by the oaths of Twelve Men, whether he be sufficiently witted to dispose of his own Lands with discretion or not, and to certifie accordingly into *Chancery*;

For the King hath by his Prerogative the Protection of his Subjects, and the Government of their Lands and Substance; who are naturally defective in their discretion. *Stat. 17 Edw. 2. cap. 9.* *Reg. of Writs, fol. 267.*

Leiman. Sometimes used for Yeoman. *Sciant quid ego Johannes Smith de Bromyard in Com. Heref. Leiman dedi* — *Ricardo Wigmore Arm. omnia terr. & Tenementa, &c. Dat. 10 Jan. Anno 9 Hen. 6.*

Jeofaile. Is a corruption from the Fr. *Jayfaile*, i. Ego lapsus sum, and signifies an oversight in Pleading, or other Law proceedings. And by the *Stat. 32 Hen. 8. cap. 30.* it is enacted, That if the Jury have once passed upon the Issue, though afterwards there be found a *Jeofail* in the Pleading, yet judgment shall be given, according to the Verdict. See *Broke, tit. Repleader*. A *Jeofail* is, when the parties to a Sute, have proceeded to Issue, and this Pleading or Issue is so badly pleaded or joined, or the proceedings so defective, that it will be Error, if they proceed. Then some of the said parties might by their Council shew it to the Court, which occasioned many delays in Sutes, for redress whereof, the foresaid Statute with others in Queen Elizabeth, and King James Raings were made, and yet the fault not much amended.

Jetzen, Jetzon, and Jetson (from the Fr. *jettier*, i. *ejcere*) Is any thing cast out of a Ship, being in danger of Wreck, and driven to the shore by the Waves. See *Flotsam*.

Jews (Judaï) See *Judaism*. Anciently we had a Court of the Justices assigned for the Government of the Jews. See *4 Instit. fol. 254. Recz — Vic. Wigorn. salutem. Präcipimus tibi, quod clamari & observari facias per totam Balivaram tuam, quod omnes Judæi deferant in superiori indumento suo ubicunque ambulaverint vel equitaverint, infra villam vel extra, quasi duas tabulas albas in pectore factas de linea panno vel de pergamento; ita quod per hujusmodi signum manifestè possint Judæi a Christianis discerni*. *T. Comite apud Oxon. 30 Martii. Claus. 2 Hen. 3. p. 1. m. 10. in Dorso.*

Ignitegium. See *Curfey*.

Ignoramus (i. We are ignorant) Is properly written on the Bill of Indictments by the Grand Enquest, empanelled in the Inquisition of Causes Criminal and Publick, when they mislike their Evidence, as defective or too weak to make good the Presentment. The effect of which word so written is, that all farther enquiry, upon that party, for that fault, is thereby stopped, and he delivered without farther Answer: It hath a resemblance with that custom of the ancient Romans, where the Judges, when they absolved a person accused, wrote *A.* upon a little Table, provided for that purpose. i. *Absolvimus*. If they judged him guilty, they wrote *C.* i. *Condemnamus*. If they found the Causes difficult, and doubtful, they wrote *N. L.* i. *Non liquet*.

Ikenild-street, (*Stratum Icenorum*) Is one of the four famous ways which the Romans made in England, taking name *Ab Icenis*, who were the Inhabitants of Norfolk, Suffolk, and Cambridgesbires. *Cam. Brit. fol. 343.* See *Watling-street*, and *LL. Edovardi Confess. cap. 12.*

Illeblable, That ought not, or may not be levied. As, *nihil* is a word set upon a debt Illeblable.

Imbargo (Span.) A stop or stay, commonly upon Ships by publick Authority. *Anno 18 Car. 2. cap. 5.*

Imbezel or Imbesil. To steal, pilfer, or purloyn. Mentioned *Anno 14 Car. 2. cap. 31.*

Imbracerip. See *Embracery*.

Imparlement (*interlocutio* or *interloquela*) Is a Motion or Petition made in Court by the Tenant or Defendant, upon the count of the Demandant or Declaration of the Plaintiff; whereby he craves respight or a further day to put in his Answer. See *Broke, tit. Continuance*. *Imparlement* is general or special: Special is with this clause, *Salvis omnibus advantagis, tam ad jurisdictionem Curie, quam Breve & Narrationem*. *Kitchin, fol. 200.* General is that which is made at large, without inserting that, or the like cause. See *Emparlement*.

Imparsoner, As *Parson imparsonee* (*persona impersonata*) Is he that is inducted, and in possession of a Benefice. *Dyer, (fol. 40. num. 72.)* Says a Dean and Chapter are Persons imparsonees of a Benefice appropriate to them.

Impeachment of Waste, (*Impeditio vasti*) From the Fr. *Empeschement*, i. *Impediment*) Signifies a restraint from committing waste upon Lands or Tenements. See *Waste*.

Impediens — *Hac est finalis concordia facta in Curia Domini Regis apud Westm. in Officio Sancti Hillaris, Anno Regni Regis Henrici Filii Regis Johannis Septimo, Coram Thoma de Multon, &c. Inter Willielmam de Mobun querentem & Will. Brewere impudentem de Manerio de Clynton, &c. Et unde Placitum de Escambio faciendo summonit. fuit inter eos in eadem Curia, &c. Where Impedientem seems to be used for Defendantem or Desorcentem.*

Impetration (*Impetratio*) An obtaining by Request and Prayer. It is used in our Statutes for the pre-obtaining of Benefices and Church Offices in England, from the Court of Rome, which did belong to the gift and disposition of our Lord the King, and other Lay Patrons of this Realm. The penalty whereof was the same with *Provisors*. *25 Edw. 3.* See *38 Edw. 3. Stat. 2. cap. 1.*

Impierment (*Anno 23 Hen. 8. cap. 9.*) Signifies as much as Impairing or Prejudicing: For the words of the Statute are — **To the great impierment and diminution of their god names.**

Implements (from *imleo*, to fill up) Are such things, as tend to the necessary use of any Trade, or Furniture of a House.

Implead (from the Fr. *Plaider*) To sue, arrest, or prosecute by course of Law.

Impost (Fr.) Tribute, Tallage, or Customs; but more particularly it is that Tax which the King receives for such merchandises as are imported into any Haven, from other Nations. *31 Eliz. cap. 5.* And it may be distinguished from *Custom*, which is rather that profit which the King raises from Wares exported; but they are sometimes confounded.

Imprimery (Fr.) A Print, Impression; also, the Art of Printing, or a Printing-House. *Anno 14 Car. 2. cap. 33.*

Improportion (of which, there are in England 3845.) See *Appropriation*.

Improvement. See *Approve*.

In alto & imo, The same with *Alto & basso*.

Inbozth and Dut-bozth. (Sax.) Vide *Camd. Britan.* in Octadrinum: *Vbi Patricium Comitem Dunbarensem, aro Hen. terii, Inbozth & Dut-bozth inter Angliam & Scotiam appellat,* i. (Si fas sit a doctissimi viri sententia recedere) *fidei usum omnium ex uno in alterum regnum iter facientium, sive inter utraque regna viatorum.* Simile babes in S. C. de Monticulis Walliae, inter LL. Saxonicas, *cap. 6.* Sax. *Dist.*

In casu consumili, Is a Writ. See *Casu consumili*.

In casu probito, Is another. See *Casu proviso*.

Inchanter (*Incantator*) Is he, or she, *Qui carminibus vel cantinclus daemonem adjurat*. They were anciently called *Carmina*, because in those days, their Charms were in Verse. *3 Part. Inst. fol. 44.*

Incident (*incidentis*) Signifies a thing appertaining to, or following another, that is more worthy or principal. As a Court Baron is so incident to a Mannor, and a Court of Pie-powders to a Fair, that they cannot be severed by Grant. *Kitchin, fol. 36.* See *Coke on Littl. fol. 151. b.*

Incroche. Admirals and their Deputies do Incroche to themselves divers Jurisdictions, &c. *Anno 15 Rich. 2. cap. 3.* See *Encroachments*.

Incumbent (from *incumbo*, i. to endeavor earnestly) Is a Clerk who is resident on his Benefice with Cure. *Coke on Littl. fol. 119. b.* And is so called, because he does or ought to bend all his study to the discharge of the Cure. *10 Hen. 6. 7.* And *1 & 2 Phi. & Ma. cap. 17.*

Indictimable (*Indecimabilis*) That is not tythable, or ought not (by Law) to pay Tythe. *2 Part. Inst. fol. 49.*

Indenture (*Indentura*) Is a writing comprising some Contract, Conveyance, or Covenant, between two or more, and being indentured in the top answerable to another part, which hath the same Contents, it thence takes name; and differs from a *Deed Poll*, which is a single Deed unindented. *Coke on Littl. fol. 229.* The Civilians define an Indenture to be *Scriptura inter creditorem & debitorem indentata*, &c.

Indefeasible, That cannot be defeated, undone, or made void: As, *A good and indefeasible estate*, &c.

Indefensus, One that is impleaded, and refuseth to Answer. *MS. de temp. E. 3.*

Indicabit, Is a Writ or Prohibition that lies for a Patron of a Church, whose Clerk is Defendant in Court Christian, in an Action of Tythes, commenced by another Clerk, and extending to the fourth Part of the Church, or of the Tythes belonging to it: For in this Case, the Sute belongs to the Kings Court, by the Statute of *Westm. 2. cap. 5.* Wherefore the Patron of the Defendant, being like to be prejudiced in his Church and Advowzen, if the Plaintiff obtain in the Court Christian, hath this means to remove it to the Kings Court. *Reg. of Writs, fol. 35. b.* and *Britton, cap. 109.*

Indictor, He that indicteth another Man for any offence. *Stat. 1 Edw. 3. cap. 11.* And *Indittee*, he that is so indicted. *Anno 21 Jac. cap. 8.*

Inditement. See *Enditement*.

Indibism, Is used for that which two hold in Common without Partition. *Kitchin, fol. 241.* in these words, *He holds pro indiviso, &c.*

Indorsed (*Indorsatus*) Signifies any thing written on the backside of a Deed, as a Condition endorsed on the backside of an Obligation; the *Sealed and delivered*, &c. on the back of an Indenture, is called the *Indorsement*.

Induction (*Inductio*) A leading into. It is most commonly taken for the giving an Incumbent Livery and Seisin (as it were) of his Church, by leading him into it, and delivering him the Keys of it, by the Commissary or Bishops Deputy, and by his ringing one of the Bells. See *3 Part. Crokes Rep. fol. 258.*

In esse (*Anno 21 Jac. cap. 2.*) In being. Philosophers contra-distinguish things in *esse*, from things in *Poss.*, or in *Potentia*. As, a Childe before he is born, or even conceived, is a thing in *Poss.*, or which may be: After he is born, he is said to be in *esse*, or Actual being.

Infangthef, **Infang-theof**, or **Infangenehof**, (from the Sax. *Fangian, capere*) Signifies in the old Saxon *Latronem infra caput*, i. taken within the Mannor or Liberty of any Man, having jurisdiction, granted by the King, to try such *Theif* within his Fee. *Asses 1 & 2 Phi. & Ma. cap. 15.* A Charter of Henry the First to Sir Benedict Rames, and S. Ivo, the Archbishop, hath these words — *Cum faka & soca & cum tol, & theam, & cum infra caput fure* — In the Laws of S. Edward the Confess. *cap. 26.* Thus, *Qui babet Sacam & Socam, tol & theam, & Infangthef, justitia cognoscens latronis sua est, de homine suo, si captus fuerit super terram suam, &c.* **Infangthef**, i. *Quod latrones capti in Dominio vel feodo Prioris, & de latrocino convitti in Curia Domini Prioris judicentur & ad furcas ejus suspenderentur.* Ex Reg. Priorat. de Cokesford. See *Braeton, lib. 3. tract. 2. cap. 35.* who says, (*inter al.*) *Et dicitur Infangthef latro captus in terra sua cuius,*

cujs, de hominibus suis propriis, seistis latrocinio.
Utsangtheſe vero dicitur latro extraneus, ve-
niens aliunde de terra aliena, & qui captus fuit
in terra ipsius qui tales habet libertates, &c. See
also Sir Hen. Spelmans learned Glossarium.

In forma pauperis. Is when any Man, who hath just cause of Sute in Chancery, and will make *Affidavit*, that he is not worth Five pounds, his debts being paid, then upon a Petition to the Master of the Rolls, he shall be admitted to sue *In forma pauperis*, and shall have Council, and Clerks assigned him, without paying Fees, and the like by the Judges of other Courts.

Information for the King (*Informatio pro Rege*) Is that which, for a common person we call a *Declaration*, and is not always preferred directly by the King or his Attorney; but also by some other person, who prosecutes, as well for the King, as for himself, upon the breach of some Penal Law or Statute, wherein a penalty is given to the party that will sue for the same, and may either be by Action of Debt or Information.

Informatus non sum, or Non sum informatus. Is a Formal Answer made of course by an Attorney, who is not instructed to say any thing material, in defence of his Clients cause, by which he is deemed to leave it undefended, and so Judgment passeth against his Client. See the *New Book of Entriss, verbo, Non sum informatus.*

Informer (*Informator*) Is one who informs or prosecutes in the *Exchequer, Kings Bench, or Common Pleas, Assizes, or Sessions*, against those that offend or break any Laws, or Penal Statutes: And are sometimes called *Promotors*; by the *Civilians, Delatores*.

Ingressu. Is a Writ of *Entry*, whereby a Man seeks Entry into Lands or Tenements, and lies in divers Cafes, wherein it hath as many diversities of Forms. See *Entry*. This Writ is also called in particular *Præcipe quod reddat*, because those are formal words in all Writs of *Entry*.

De Ingressu sine assensu Capituli, &c. (*Reg. of Writs, fol. 230.*) Is a Writ given by the Common Law to the Successor of him, who alienated *Sine assensu capituli, &c.* And is so called from those words contained in the Writ. *Coke on Littl. fol. 325. b.*

Ingrossator magni Rotuli. See *Clerk of the Pipe*.

In grosse. Is that which belongs to the person of the Lord, and not to any Mannor, Lands, &c. As *Villain in grosse. Advowzen in grosse, &c.* *Coke on Littl. fol. 120. b.*

Ingrossing of a Fine. Is making the Indentures by the *Chirographer*, and the delivery of them to the party to whom the Cognisance is made. *Fitz. Nat. Br. fol. 147. A.*

Ingrosser (*Ingrossator*) Is one that buys Corn growing, or dead victuals to sell again, except Barley for Malt, Oats for Oat-meal, or Victuals to Retail; Badging by Licensee and buying of Oyls, Spices and Victuals, other then Fish or Salt. *Anno 5 Edw. 6. cap. 14.*

—*5 Eliz. cap. 14. — 13 Eliz. cap. 29.* These are the words of *West's Symbol. par. 2. tit. Indictments, sect. 64.* But this definition rather belongs to *unlawful ingrossing*, then to the word in general. See *Forfeabler*, and *3 Part. Inst. fol. 195.*

Ingrosser. Is also a Clerk that writes Records or Instruments of Law in Skins of Parchment; as in *Henry the Sixth's time*, He, who is now called *Clerk of the Pipe*, was called *Ingrossator Magni Rotuli*, and the Comptroller of the Pipe was called *Duples Ingrossator. Spelm.*

Inheritance (*Hæreditas*) Is a perpetuity in Lands or Tenements to a Man and his Heirs: For *Littleton, lib. 1. cap. 1.* saith this word is not only understood, where a Man hath inheritance of Lands and Tenements by descent of heritage; but also every Fee-simple or Fee-tail that a Man hath by his purchase may be called *Inheritance*, because his Heirs may inherit him. *Several Inheritance* is that which two or more hold severally, as if two Men have Land given to them, and the Heirs of their two Bodies, there have Joyn't Estate during their lives, but their Heirs have several inheritance. *Kitchin, fol. 155.* A Man may have an inheritance in title of Nobility, three manner of ways. 1. By Creation. 2. By Descent. And 3. by Prescription.

Inhibition (*Inhibitio*) Is a Writ to forbid a Judge from farther proceeding in the Cause depending before him. See *Fitz. Nat. Br. fol. 39.* where he confounds *Inhibition* and *Prohibition*. But *Inhibition* is most commonly a Writ issuing out of a higher Court Christian to an inferior, upon an Appeal. *Anno 24 Hen. 8. cap. 12. and 15 Car. 2. cap. 9.* And *Prohibition*, out of the Kings Court, to a Court Christian, or an Inferior Temporal Court.

Injunction (*Injunctio*) Is a Writ grounded upon an interlocutory order of the *Chancery*; sometimes to give possession to the Plaintiff, for want of appearance in the Defendant; sometimes to the Kings Ordinary Court, and sometimes to the Court Christian, to stay proceeding in a Cause, upon suggestion made, that the rigor of the Law, if it take place, is against Equity and Conscience in that case. See *West, Par. 2. Symbol. tit. Proceedings in Chancery. sect. 23.*

Inlagh or Inlaughe (*Inlagatus*) Signifies him that is (*sub lege*) in some Frank-pledge, not out-lawed, of whom, thus *Braeton, tract. 2. lib. 3. cap. 11. Femina inlagari non potest, quia ipsa non est sub lege, i. Inlaughe, anglice, scil. in Franco plego, five decennia, sicut masculi 12 annorum vel amplius.*

Inlagary or Inlagation (*Inlagatio*) Is a restoration of one outlawed, to the Protection of the Law, or to the benefit or liberty of a Subject. From the Sax. *In-lagian, i. Inlagare.* — *Et ex eo seipsum legis patrocinio adeo capace reddit, ut ad compensationem admittatur. LL. Canuti Reg. pag. 1. cap. 2.*

Inland (*Inlandum*) *Terra dominicatis, pars Manerii Dominica, terra interior;* For that which

which was let out to Tenants was called **Utland**. In the Testament of *Brithericus*, in *Itinerar. Kantii*; thus, *To pullege pat Inland*] to alfege pat Utland, i. *Lego terras Dominicales Wulfego, Tenementales Eliego.* Thus Englished by *Lambert*, *To Wulfe (I give) the Inland or Demeans, and to Elsep the Outland or Tenancy.* — *Ex dono Wil. de Efton 50 Acres de Inlanda sua.* Rot. Cart. 16 Hen. 3. m. 6. This word is often found in *Domesday*.

Inleashed (Fr. *Enlaſſe*) Intangled or inſnaſed. The word is found in the Champions Oath. 2 Part. Cokes Inst. fol. 247.

Inmates, Are those that are admitted to dwell for their Money joynly with another Man, though in several Rooms of his Mansion-houſe, passing in and out by one door, and not being able to maintain themſelves; which are inquirable in a Leet. *Kitchin*, fol. 45. where you may finde who are properly *Inmates* in Intendence of Law.

Innes of Court (*Hospitii Curia*) Are ſo called, because the Students therein, do there not onely ſtudy the Laws, but uſe ſuch other exerciſes, as may make them more ſerviceable to the Kings Court. *Forteſcu*, cap. 49. Of theſe there are four well known, viz. The Inner Temple, Middle Temple, Lincolns Inn, and Greys Inn. Theſe, with the Two Serjants Inns, and Eight Inns of Chancery, do altogether (to uſe Sir Edward Cokes words) make the moſt famous University, for Profefſion of Law onely, or of any one Humane Science in the World. Of which, ſee Mr. Dugdales *Origines Juridiciales* at large.

Innotescimus, Letters Patent ſo called, which are always of a Charter of Feofment or ſome other Instrument, not of Record; and ſo called from the words in the Conclusion, *Innotescimus per preſentes*. An *Innotescimus & Vidimus* are all one. See *Pages Cafe*, 5 Rep.

Innuendo (from *innuo*, to beck or nod with the Head, to ſignifie) a word uſed in Writs, Declaratiōns, and Pleadings, and the Office of it is onely to declare and aſcertain the person or thing, which was named or left doubtful before; as to ſay, he (*Innuendo*, the Plaintiff) is a Theif, when as there was mention before of another perfon. *Innuendo* may not enlarge the ſence of the words, nor make a ſupply, or alter the Case where the words are defective. *Huttons Rep.* fol. 44.

Inpeny and Dutpeny. In the Register of the Monastery of *Cokesford*, pag. 25. Thus, — *De Inpeny & Dutpeny conſuetudo talis eſt in villa de Eaſt Rukham de omnibus terris qua infra Burgagium tenentur; viz. Quod ipſe, qui rendiderit vel dederit dictam tenuram aliqui, dabit pro exiū ſuo de eadem tenurā unum denarium, pro ingressu ſuo. Et ſe predicti Denarii a retro fuerint, Ballivus domini diſtringat pro eiſdem denariis in eadem tenura.* — These words and Custom, are also mentioned in the Rolls of a Court there held, about the Feaſt of the Epiphany, Anno 12 Rchb. 3. *Spelm.*

Inquirendo, Is an Authority given to any perſon to enquire into ſomething for the Kings advantage; in what caſe it lies. See *Reg. of Writs*, fol. 72, 85, 124, 265.

Inquisitions (*Inquisitio*) Is a manner of proceeding by way of ſearch or examination, in matters criminal, by the great Enquest before Juſtices in Eyre. It is alſo uſed in the Kings behalfe in Temporal Caufes and Profits, in which ſence it is confounded with *Office*. *Stanſ. Prærog.* fol. 51.

Inquisitores (*Inquisitores*) Are Sheriffs, Coroners, *Super viſum Corporis*, or the like, who have power to enquire in certain Cafes. *Stat. of Marlbridge*, cap. 18. *Britton*, fol. 4. And in *Westm.* 1. Enquirors or Inquisitors are included under the name of *Minſtri*. 2 Part. *Inst. fol. 211.*

Inrolment (*Irrotulatio*) The Regiſtring, Recording, or Entring any lawful Act in the Rolls of the Chancery, Exchequer, Kings Bench, or Common Pleas, in the Huslings of London, or by the Clerk of the Peace in any County: As a Statute or Recognozance acknowledged, or a Deed of Purchase enrolled. *Anno 27 H. 8. cap. 16.* See *Welt*, par 2. *Symb. tit. Fines, ſcſ. 133.*

Insidiatores biarum (Way-layers) Are Woods, which by the Stat. 4 Hen. 4. cap. 2. Are not to be put in Indiſtiments, Arraignments, Appeals, &c.

Instimul tenuit, Is one Species of the Writ of *Partiſion*. See *Formdon*.

Infuination (*Anno 21 Hen. 8. cap. 5.*) A creeping into a Mans Minde or Favor, covertly. *Infuination of a Will*, is (among the Civilians) the first Production of it, or the leaving it *Penes Registrarium*, in order to its Probat.

Infepximus. Letters Patent ſo called, and is the ſame with *Exemplification*, which begins thus. *Rex — Omnis — Infepximus irrotulamentum quarundam literarum Patentis &c.* It is called *Infepximus*, because it begins, after the Kings title, with this word *Infepximus*. See *Pages Cafe*, 5 Rep.

Instalment (*Anno 20 Car. 2. cap. 2.*) A Settlement, Establishment, or ſure placing in; ſometimes it is confounded with *Abatement*.

Inſtitution (*Inſtitutio*) Is when the Bishop ſays to a Clerk, who is preſented to a Church-Living, *Inſtituo te Reſtorem talis Ecclesiæ, cum cura animarum, & accipe curam tuam & meam.* Every Reſtory conſists of a Spirituallty, and a Temporality; as to the Spirituallty, *viz. Cura animarum*, he is a compleat Parſon by *Inſtitution*; but as to the Temporalities, as Gleabland, &c. he has no Frank-tenant thereinc, till Induction. *Cokes 4 Rep. Digbie's Cafe.* The firſt beginning of *Inſtitutions* to Benefices, was in a National Synod held at *Westminster* by John de Crema, the Popes Legate, *Anno 1124.* which ſee in *Seldens Hist. of Tythes*, pag. 375.

In ſuper (*Anno 21 Jac. cap. 2.*) Is uſed by Auditors in their Accounts in the Exchequer; when they ſay ſo much remains in ſuper ſuch an

Accountant, that is, so much is charged upon him, in his account.

Intakers. Were a kind of Theeves in Redesdale, and the furthest parts of the North of England, mentioned 9 Hen. 5. ca. 8. So called, because they, dwelling in that liberty, did take in, and receive such booties of Cattel and other things, as their Complies the Outparters brought in to them, from the borders of Scotland. See Outparters.

Intendment of Law, (Fr. Entendement, intellectus,) the Understanding, Judgment, Intention or true meaning of the Law. Regularly Judges ought to judge according to the common Intendment of Law. Coke on Litt. fo. 78.

Inter canem & lupum — Margeria filia Nicholai de Okele appellat Johannem Ckose pro raptu & pacc Regis fratre die Martis prox^o, &c. inter canem & lupum. i. In crepusculo, scilicet Anglice twilight. i. Inter diem & noctem, &c. Inter Plac. de Trin. 7 Edw. i. Rot. 12. Glouc. — In placito de domo combusta maliciose, hora vespertina, scilicet, inter canem & lupum, venerunt malefactores, &c. Plac. Cor. apud Novum Castrum 24 Ed. 1. Rot. 6.

Intercommuning, Is, where the Commons of two Mannors lie contiguous, and the Inhabitants of both have time out of mind depastured their Cattel promiscuously in each of them.

Interdiction, (Interditio) Has the same signification in the Common, as it hath in the Canon Law, which thus defines it: *Interditio est censura Ecclesiastica prohibens administrationem divinorum.* And so it is used 22 Hen. 8. ca. 12 & 25. ejusdem, cap. 20.

Interdicted of Water and Fire, Were in old time those, who, for some crime were banished; which Judgment, though it was not by express sentence pronounced, yet, by giving order, That no man should receive them into his house, but deny them Fire and Water, (the two necessary elements of life) they were condemned, as it were to a Civil death; and this was called *legitimum exilium.* Lixiv.

Interest, (Interesse) Is vulgarly taken for a term or Chatel real, and more particularly for a future term; in which case it is said in pleading, that he is possessed *de interesse termini.* But *ex vi termini*, in legal understanding, it extends to Estates, Rights and Titles, that a man hath of, in, to, or out of Land; For, he is truly said to have an *interest* in them. Coke on Litt. fo. 345. b.

Interlocutorij Order, (Ordo interlocutorius) Is that which non definit controversiam, sed aliquid obiter, ad causam pertinens, decennit. As, where an Order is made, by motion in Chancery, in a Sute there depending, for the Plaintiff to have an Injunction, to quiet his possession, till the hearing of the Cause; This, or any such like order, which is not final, is call'd *interlocutory.*

Interpledger. See Enterpledger.

Intestates, (Intestati,) There are two kinds of Intestates; one that makes no Will at all;

another that makes a Will and Executors, and they refuse; in which case he dies *quasi intestatus.* — Part Inst. fol. 397.

Intierie. See Enierty.

Intrusion, (Intrusio,) Is, when the Ancestor dies feiz'd of any Estate of inheritance, expectant upon an estate for life, and then Tenant for life dies, between whose death and the entry of the Heir, a stranger does interpose himself and intrude. Coke on Litt. fo. 277. To the same effect is Bratton, lib. 4. ca. 7. Intrusio est ubi quis, cui nullum jus competit in re nec scilicet la juri, possessionem vacuan ingreditur, &c. See him at large; and Fleta, lib. 4. ca. 30. Sett. 1 & 2. Britton, ca. 63. See Abatement, Entrusion, and the Stat. 21 Jac. ca. 14.

Intrusione, Is a Writ that lies against the Intruder, Regist. fo. 233.

Inbaditiones, Moogages, or Pledges. — Confirmamus eis omnes alias donationes, venditiones & invaditiones eis rationabiliter factas. Mon. Angl. 1. pa. fo. 478. a.

Inventarie, (Inventarium,) Is a list or repertory, orderly made, of all dead mens goods and Chattels, prized by four credible Men or more, which every Executor or Administrator ought to exhibit to the Ordinary, at such time as he shall appoint. West, Part 1. Symbol. lib. 2. Sett. 696, where likewise you may see the form. This *Inventory* proceeds from the Civil Law; for, whereas by the ancient Law of the Romans, the Heir was tied to answer all the Testators Debts, by which means Inheritances were prejudicial to many men: Justinian, to encourage men the better to take upon them this charitable Office, ordain'd, That, if the Heir would first make and exhibit a true *Inventory* of all the Testators Substance coming to his hands, he should be no farther charged then to the value of it. Lib. ult. Cod. de. Jure delibero.

In ventre sa mere, (Fr.) In the Mothers Belly; Is a Writ mentioned in the Register of Writs, and in Anno 12 Car. 2. ca. 24.

Investi, (from the Fr. Investor,) Signifies to give possession. *Investitura proprio dicitur quando bona vel aliquod corporeum traditur a Dominis*, says the Feudist, lib. 2. tit. 2. We use likewise to admit the Tenant, by delivering him a Verge or Rod into his hands, and ministring him an Oath, which is called *Investing.* Others define it thus, *Investitura est aliquaque in suum jus introductio*, giving *Livery* of seisin or possession.

Inboice, (12 Car. 2. ca. 34.) Is a particular of the value, custom, and charges of any goods sent by a Merchant in another mans Ship, and confign'd to a Factor or correspondent in another Country.

Inure, Signifies to take effect, or be available; As the pardon inureth — Stampf. Prag. fo. 40. See Enure.

Jocalia Jewels. — Edward the First employ'd one Andavar, ad jocalia sua impignoranda. Clauf. 29 Edw. 1. — Præterea confidantes gratiam subventionem quam prefaci abbas & Monachi (Rading.) nobis fecerunt de magnis

Sæcundis Jocalibus ac aliis rebus suis in subsumis expensarum Sumptrum, quos circa præsens passagium nostrum versus partes transmarinas, &c. In mem. Sac. de Anno 20 Ed. 3. Trin. Rot. 3.

Jocarius, a Jester. In a Deed of *Richard Abbas de Bernayo* to *Henry Lovet*, sine dat, among the witnesses to it, was *Willielmo tunc Jocario Domini Abbas*.

Joclet. (Sax.) Prædiolum, agri colendi portiuncula: A little Farm or Mannor, in some parts of Kent called a *Joklet*, as requiring but a small Yoke of Oxen to till it. *Sax. dict.*

Jotson. See *Jettison & Flotson*.

Joynder, Is the coupling or joyning of two in a Suit or Action against another. *Fitz. Nat. Br. fo. 118*, and in many other places, as appears in the Index, verbo *Joynder*.

Joyntenants, (*Simul tenentes*, or qui coniunctim tenent,) Are those that come to, and hold Lands or Tenements jointly by one title pro indiviso, or without partition. *Littleton, lib. 2. ca. 3.* And, these *Joyntenants* must jointly plead, and jointly be impleaded by others, which property is common between them and *Coparceners*, but *Joyntenants* have a sole quality of survivorship, which *Coparceners* have not. For, if there be two or three *Joyntenants*, and one has Issue and dies, he or those *Joyntenants* that survive shall have the whole by survivorship. See *Coke on Litt. fo. 180.*

Joyning of Issue, (*Junctio exitus*) See *Issue*.

Joyniture, (*Junctura*,) Is a Covenant or Settlement, whereby the Husband, or some other friend in his behalf affiureth to his Wife, in respect of Marriage, Lands or Tenements for term of her life or otherwise. It is so called, either, because it is granted *ratione Junctura in matrimonio*; or because the Land in Frank-marriage is given jointly to the Husband and Wife, and after to the heirs of their bodies, whereby the Husband and Wife are made *Joynments* during the Coverture. *Coke, lib. 3. Butler and Bakers Case.* *Joyniture* is also used as the abstract of *Joynments*. *Coke, lib. 3. Marq. of Winchesters Case.*

Journal, (Fr.) A Diary, or Day-book. *Journals of Parliament* are no Records, but Remembrances; they are not of necessity, nor have been of long continuance. See *Hob. Rep. fo. 109.*

Journ-choppers, (Anno 8 Hen. 6. ca. 5.) Were Registrars of *Yarn*. Whether that we now call *Yarn* was in those dayes called *Journ*, I cannot say; but, *choppers* in these dayes are well known to be *changers*; As, to chop and change, is a familiar phrase. See *Chop-chivich*.

Journp-man, (from the Fr. *Journe*. i. A. y, or days work) Was properly he, that wrought with another by the day; though now by Statute it be extended to those likewise that covenant to work with another in their Occupation or Trade, by the year. *Anno 5 Eliz. &c. 4.*

Irre ad largum, To go at large, to escape, to be set at liberty.

Irregularity, (*Irregularitas*,) Disorder, going out of Rule: In the Canon Law it is taken for an impediment, which hinders a man from taking *Holy Orders*; as, if he be base-born, notoriously defamed of any notable Crime, maimed, or much deformed, or has consented to procure another's death, with divers other.

Irrepleivable, or *Irreplevisable*: That may not, or ought not by Law to be replevied, or set at large upon Sureties. *The Distress shall remain irrepleivable.* *Anno 13 Ed. 1. ca. 2.*

Isinglas, (*Gluten piscium*,) Is a kind of Fish-glue, or Fish-gum, brought from Iceland and those parts, and is used in Medicines, and, by some, in the adulteration of Wines, in which last use it is prohibited by Stat. 12 Car. 2. ca. 25.

Issue, (*Exitus*,) Hath divers applications; sometime being used for the Children begotten between a Man and his Wife; sometime for Profits growing from Amercements or Fines; sometimes for Profits of Lands or Tenements, (*Westm. 2. An. 13 Ed. 1. ca. 39.*) Sometime for that point of matter depending in Suite, whereon the parties joyn, and put their Cause to the Trial of the Jury. And, in all these, it has but one signification, which is an effect of a Cause preceding; as Children are the effect of the Marriage; the Profits growing to the King or Lord from the punishment of any mans Offence, is the effect of his Transgression; the point referr'd to 12 Men is the effect of pleading or process. *Issue*, in this last signification, is either general, or special.

General *Issue* seems to be that, whereby it is referr'd to the Jury to bring in their Verdict, whether the Defendant have done any such thing as the Plaintiff lays to his charge: For example, if it be an Offence against any Statute, and the Defendant plead *not culpable*, this being put to the Jury, is called the General *Issue*; See *Doctor and Student, fo. 158. b.* The Special *Issue* then must be that, where special matter being alledged by the Defendant, for his defence, both parties joyn thereupon, and so grow either to a demurrer, if it be *quaestio juris*, or to a Trial by the Jury, if it be *quaestio facti*. *An. 4 Hen. 8. ca. 2.* See the *New Book of Entries, verbo Issue*, and *18 Eliz. ca. 12.*

Itinerant, (*Itinerans*,) That takes a journey,) Those were anciently called *Iustices itinerant*, who were sent with Commission into divers Counties, to hear such causes specially as were termed *Pleas of the Crown*. See *Iustices in Eyre*.

Judaism, (*Iudaismus*,) The Custom, Religion or Rites of the Jews: This word was often used by way of exception, in old Deeds; as *Sciavit — Quod ego Rogerius de Morice dedi — Willielmo Harding pro tribus marci argenti — unum croftum — Habend. de me. Et heredita mei sibi & hereditibus ejus vel ejus assignata Et corrum hereditibus cuiuscunque vel quantumcunque dictum Croftum dare, vendere, legare, in vadare, vel aliqua modo assignare voluerint in quocunque*

quocunque statu fuerint, libere, quiete, integre, bene & in pace, excepta Religione & Judaismo, &c. Sine dat. The Stat. De Iudaismo was made 18 Edw. 1. At which Parliament, the King had a Fifteenth granted him *Pro expulsione Iudeorum.*

Judaismus, was also anciently used for a Mortgage. — *Pro hac autem donatione deducunt nisi ditti Abbas & Canonici sex Marcus Sterl. ad acquietantur terram predictam de Judaismo, in quo fuit impignorata per Rob. fratrem meum, &c.* Ex magno Rot. Pipz, de Anno 9 Edw. 2.

Judgment (*Iudicium, quasi juris dictum*) The very voice of Law and Right; and therefore *Iudicium semper pro veritate accipitur:* The ancient words of judgment are very significant, *Consideratum est, &c.* because Judgment is ever given by the Court upon consideration had of the Record before them; and in every Judgment there ought to be three persons *Actor, Reus & Iudex.* Of Judgments, some are final and some not final, &c. See Coke on Littl. fol. 39. 4.

Judicium Dei, The Judgment of God; so our Ancestors called those now prohibited Tryals of *Ordeal*, and its several kindes. *Si se super defendere non posset Iudicio Dei, scil. Aquâ vel ferro, fieret de eo iustitia.* LL. Divi Edw. Confess. cap. 16. See Spelm. Gloss. on this word.

Judgment of Arpal by the Holy Cross (long since disused) See Cressy's Church-History, fol. 196.

Augum terræ In *Domesday*, contains half a Pough-land.

Juncaria (from *juncus*) A Soil where Rushes grow. Coke on Littl. fol. 5. — *Cum Piscariis, Turbariis, Juncariis, & communibus Pasturiis, ad Messuagium prædictum perin.* Pat. 6 Edw. 3. pa. 1. m. 25.

Jura Regalia. See *Regalia.*

Jurats (*Iurati, Anno 2 & 3 Edw. 6. cap. 20.*) As the Major and Jurats of Maidstone, Rye, Winchelsea, Tenterdon, &c. are in the nature of Aldermen for Government of their several Corporations; and the name is taken from the French, where (among others) there are *Major & Iurati Suffenses, &c.* Vide Choppin, *Doman. Fran. lib. 3. Tit. 20. sett. 11. p. 530.* So Jersey hath a Bailiff, and Twelve Jurats, or sworn Assistants to govern the Island. *Cam. Romney Marsh* is incorporate of one Bailiff, *xxiiii Jurats,* and the Commonalty thereof, by Charter Dat. 23 Febr. 1 Edw. 4. See Mr. Dugdale Hist. of Imbanking and Draining, fol. 34. b.

Jury (*Iurata, from Iurare to swear*) Signifies Twenty four or twelve Men sworn to inquire of the matter of Fact, and declare the Truth upon such Evidence as shall be delivered them, touching the matter in question; of which Jury who may, and who may not be impanel'd, see Fitz. Nat. Br. fol. 165. There are two manner of Tryals in England; one by Battel, the other by *Affise* or *Jury.* See Smith de Repub. Angl. lib. 2. cap. 5, 6, 7. who adds a

third, by *Parliament.* The Tryal by *Affise* (be the Action Civil or Criminal, Publick or Private, Personal or Real) is referred for the Fact to a Jury; and as they finde it, so passeth the Judgment; which by *Battel* (lib. 2. cap. 7.) is called *Regale beneficium, &c.* This Jury is not only used in Circuits of Justices, but in other Courts, and Matters of Office; as if the Coroner enquire how a Subject, found dead, came to his end, he useth an Enquest; the Justices of Peace in their Quarter Sessions; the Sheriff in his County and Town; the Bailiff of a Hundred; the Steward of a Court Leet, or Court Baron, if they enquire of any offence, or decide any Cause between party and party, do it by the same manner. So that where it is said, all things are tryable by *Battel* or *Affise:* *Affise* in this place, is taken for a Jury, or Enquest, empanelled upon any Cause in a Court where this kind of Tryal is used. This Jury, though it pertain to most Courts of the Common Law, yet is it most notorious in the half-yearly Courts of the Justices Itinerants, or of the Great *Affises*, and in the Quarter Sessions, where it is usually called a *Jury*; and that in Civil Causes; whereas in other Courts it is oftener termed an *Enquest*, and in the Court Baron, a *Jury* of the Homage. In the General *Affise*, there are usually many Juries, because there are many Causes, both Civil and Criminal, commonly to be tryed, whereof one is called the *Grand Jury*, or *Great Enquest*, and the rest *Petit Juries*, whereof it seems there should be one for every Hundred. Lamb. Eiren. lib. 4. cap. 3. pag. 384.

The *Grand Jury* consists ordinarily of Twenty four grave and substantial Gentlemen, or some of them of the better sort of Yeomen, chosen indifferently out of the whole County by the Sheriff, to consider of all Bills of Indictment preferred to the Court, which they do either approve, by writing upon them *Billa Vera*, or disallow, by writing *Ignoramus*; such as they approve, or *fnde*, as they term it, if they touch life and death, are farther referred to another *Jury* to be considered of; because the Cause is of such importance; but others of less moment in Trespass, or for misdemeanors, are, upon their allowance, without more ado, fined by the Bench, except the party Traverse the Indictment, or challenge it for insufficiency, or remove the Cause to a higher Court by *Certiorari*; in which two former Cases, it is referred to another *Jury*, and in the later, transmitted to the higher Court. Lamb. Eiren. lib. 4. cap. 7. And presently upon the allowance of this Bill by the *Grand Enquest*, a Man is said to be *indicted*; such as they disallow, are delivered to the Bench, by whom they are forthwith cancelled.

The *Petit Jury* in Criminal Causes, consists of Twelve Men, at least, and being impanelled, do bring in their Verdict, either guilty, or not guilty; whereupon, the Prisoner, if he be found guilty, is said to be *Convict*, and accordingly afterward receives his Judgment; and Con-

Condemnation, or otherwise is acquitted. Those that pass upon Civil Causes real, are so many, as can conveniently be had, of the same Hundred, where the Land or Tenement in question lies, or four, at the least: And they, upon due examination of the Matter, bring in their Verdict, either for the Demandant or Tenant. Of this, see *Fortescu*, cap. 25, 26, 27. According to which, Judgment passeth afterwards in the Court, where the Cause first began; and the reason hereof is, because these Justices of Assise are in this Case, for the ease of the Country, only to take the Verdict of the *Fury*, by virtue of the Writ called *Nisi Prius*, and so return it to the Court, where the Cause is depending. See *Nisi Prius*, and *Enquest*.

Juridical Days (*Dies Juridici*) Days on which the Law is administered, days in Court. See *Dies*.

Juris utrum, Is a Writ, which lies for the Incumbent, whose Predecessor hath alienated his Lands or Tenements; the divers uses whereof, see in *Fitz. Nat. Br.* fol. 48.

Jurisdiction (*Jurisdictio*) Is an Authority or Power, which a Man hath to do justice in Causes of Complaint made before him: Of which, there are two kindes; the one, which a Man hath by reason of his Fee, and by vertue thereof, does right in all Plaints concerning the Lands of his Fee; the other is a *Jurisdiction* given by the Prince to a Bailiff. Which Division I have in the *Custumary of Normandy*, cap. 2. which is not unapt for the practise of our Commonwealth, for by him whom they call a *Bailiff*, we may understand all that have Commission from the Prince, to give Judgment in any Cause. See *Sir Edw. Cokes Proemium* to his 4 Inst.

Jus Cozone (the Right of the Crown) Is part of the Law of England, and differs in many things from the General Law, concerning the Subject. *Vid. Cokes on Litel.* fol. 15. b.

Jus Curialitatis Anglie. See *Curtesie of England*.

Jus Patronatus, Is the Right of presenting a Clerk to a Benefice. See the *New Book of Entries*, verbo, *Jure Patronatus in Quare impletum*, fol. 465. col. 3.

Justes (Fr. *Jouste*, i. *Decursus*) Were contentions between Martial-men, and Persons of Honor, with Spears on Horse-back, by way of exercise. *Anno 24 Hen. 8. cap. 13. Edictum Regis Edw. 1. prohibendo sub fortissimis omnium qua forisfacta possint, quod non Torquent, Bordeant, Adventuras querant, Justus faciant seu ad arma presumant sine Licentia Regis.* *Pas. 29 Edw. 1. Essex 101.*

Justice (*Iusticiarius*) Signifies him that is deputed by the King to administer *justice*, and do right by way of Judgment: The reason why he is called *Justice*, and not *Judex*, is; because, in ancient time, the Latin word for him was *Iusticia*, and not *Iusticiarius*, as appears by *Glanvil, lib. 2. cap. 6.* and *Hooton, fol. 413. a.* Secondly, Because they have their Authority by deputation, as Delegates to the

King, and not *Jure Magistratus*; and therefore cannot depote others in their stead; the *Justice of the Forest* only excepted, who hath that liberty especially given him by the Statute 32 Hen. 8. cap. 35. For the Chancellor, Marshal, Admiral, and such like are not called *Iusticiarii*, but *Judices*. Of these *Justices* we have divers sorts in England, the manner of their Creation with other Appurtenances read in *Fortescu*, cap. 51. These in *Mag. Char. cap. 12.* and other Statutes are called *Iusticaries*.

Cheif Justice of the Kings Bench (*Capitalis Iusticia vel Iusticarius Banci Regis*) Hath the Title of *Lord*, whilst he enjoys his Office, and is called *Capitalis Iusticarius*, because he is the cheif of the rest. His Office is specially to hear, and determine all Pleas of the Crown, that is, such as concern offences committed against the Crown, Dignity, and Peace of the King, as *Treasons, Felonies, Mayhem*, and such like, which you may see in *Bratton, lib. 3. tract. 2. per totum*. And in *Saxef. Pleas of the Crown*. He also, with his assistants, hears all Personal Actions, incident to his Jurisdiction. See *Sir Edw. Cokes 4 Inst. fol. 74.* who says, *The Cheif Justice of this Court was anciently created by Letters Patent, but now by Writ, in this form,*

—Rex, &c. I. K. militi salutem. Sciatque quod constituum vos Justicarium nostrum Capitalitem, ad Placita coram nobis tenenda, durante bene placito nostro. Teste, &c.

Of the ancient Dignity of this *Cheif Justice*, thus. *Liber niger fiscalis*, cap. 4. In *Scaccario* refidet, immo & praeedit, primus in rogo, *Capitalis, scilicet, Iusticia*. In the time of King John, and others of our ancient Kings, it often occurs in Charters of Priviledges, *Quod non ponatur respondere, nisi coram nobis vel Capitali Iusticia nostra*. The Oath of the *Justices* see in the Stat. 18 Edw. 3. stat. 4. And in *Origines Iuridicale*, a Catalogue of all the *Cheif Justices* of England. See *Kings Bench*.

Cheif Justice of the Common Pleas, Hath also the Title of *Lord*, whilst he enjoys his Office, and is called *Dominus Iusticarius Communium Placitorum*, who, with his Assistants, did originally, and do yet hear and determine all Causes at the Common Law, that is, all Civil Causes, as well personal as real, between common persons; wherefore it was called *The Court of Common Pleas*, in distinction from *The Pleas of the Crown*, or the Kings Pleas, which are special and appertaining to him only. This Court was appointed to be in a settled place, and not, as other Courts, to follow or attend the Kings Court or Palace, as appears by the Stat. 9 Hen. 3. cap. 11. Of its Jurisdiction, see 4 Inst. fol. 99. The *Justices* Oath, see 18 Edw. 3. stat. 4.

Justice of the Forest (*Iusticarius Foresta*) Is also a *Lord* by his Office, and hath the hearing and determining all offences within the *Forest*, committed against Venison or Vert; of these

there are two, whereof the one hath Jurisdiction over all the Forests on this side Trent, the other over all beyond. The cheifest point of their Jurisdiction consists in the Articles of the Kings Charter, called *Charter de Forsta*, made 9 Hen. 3. See *Cam. Britan.* pag. 214. The Court, where this Justice sits, is called the *Justice Seat of the Forest*, held once every three years. See *Manwood*, par. 1. pag. 121. & 154. He is also called *Justice in Eyre* of the Forest. This is the only Justice that may appoint a Deputy by Stat. 32 Hen. 8. cap. 35.

Justice of Assise (*Iusticiarii ad capiendas Assises*) Are such as were wohnt by special Commission to be sent (as occasion was offered) into this or that County to take *Assises*, for the ease of the people. And it seemes the Justices of the Common Pleas had no power to take *Assises*, until the Statute of 8 Rich. 2. cap. 2. for by that, they are enabled thereto, and to deliver Goals. And the Justices of the Kings Bench have by that Statute such power affirmed unto them, as they had One hundred years before. Of later years it is come to pass, that these Commissions, *Ad capiendas Assises*, are executed in the Lent, and long Vacation, when the Justices and Lawyers are most at leisure to attend them. Hence the matters, accustomed to be heard by more general Commission of Justices in Eyre, are heard all at one time, with the *Assises*, which was not so of old, as appears by *Bratton*, lib. 3. cap. 7. num. 2. Yet no Justice of either Bench, nor any other, may be Justice of *Assise* in his own Countrey. Anno 8 Rich. 2. cap. 2. and 33 Hen. 8. cap. 24. And these, who are in one word called Justices of *Assise*, and twice every year go the circuit by two and two through all England, have one Commission to take *Assises*, another to deliver Goals, another of *Oyer and Terminer*, &c. See *Assise and Cromp. Iuris.* fol. 210. That Justices of *Assise*, and Justices in Eyre, did anciently differ, appears Anno 27 Edw. 3. cap. 5. And that Justices of *Assise*, and Justices of *Goal Delivery*, were divers, is evident by Anno 4 Ed. 3. cap. 3. The Oath taken by Justices of *Assise*, is all one with that taken by the Justices of the Kings Bench. *Old Abridgment of Statutes*, titulus, *Sacramentum Iusticiariorum*.

Justices of Oyer and Terminer (*Iusticiarii ad audiendum & terminandum*) were Justices, Deputed upon some special or extraordinary occasion, to hear and determine some particular Causes. *Fitz.* (in his *Nat. Br.*) saith, The Commission of *Oyer and Terminer* is directed to certain persons, upon any Insurrection, heinous Demeanor or Trespass committed. And, because the occasion of granting this Commission should be maturely weighed, it is provided by the Statute 2 Edw. 3. cap. 2. That no such Commission ought to be granted, but that they shall be dispatched before the Justices of the one Bench, or the other, or Justices Errants, except for horrible Trespasses, and that by special favor of the King. The Form of this Commission, see in *Fitz. Nat. Br.* fol. 110.

Justices in Eyre (*Iusticiarii itinerantes*, alias *Errantes*, alias *Perlustrantes*) are so termed of the old French word *Erre*, i. iter; as a grand *Erre*, i. magnus itineribus, proverbially spoken. These, in ancient time, were sent with Commission into divers Counties, to hear such Causes specially, as were termed the Pleas of the Crown; and that for the ease of the Subject, who must else have been hurried to the Courts at *Westminster*, according to their several Jurisdictions; if the Cause were too high for the County Court. These Justices (according to *Gwin*, in his Preface to his *Reading*) were anciently sent but once in seven years, with whom *Horn* (in his *Mirror of Justices*) seemes to agree, Lib. 2. cap. *Deux point estre aitours, &c.* And Lib. 3. cap. *De Justices in Eyre*, where he also declares what belonged to their Office; but that they were sent oftner, see *Orig. Iuridicale*. They were instituted by *Henry the Second*. *Cam. Brit.* pag. 104. and were much like in some respect to the Justices of *Assise* at this day; although for Authority and manner of proceeding, far different. *Coke on Little*, fol. 293. b.

Justices of Goal Delivery (*Iusticiarii ad Goalae deliberandas*) Are such as are sent with Commission, to hear and determine all Causes appertaining to those, who for any offence, are cast into the *Goal*; part of whose authority is to punish such, as let to Mainprise those Prisoners, who by Law are not bailable, *Fitz. Nat. Br.* fol. 151. These probably, in ancient time, were sent into the Counties upon this several occasion: But afterwards Justices of *Assise* had this in Commission also. Anno 4 Edw. 3. cap. 3. Their Oath is all one with other of the Kings Justices of either Bench.

Justice of the Hundred (*Iusticiarius Hundredi*) Erat ipse Hundredi Dominus, qui & Centurius & Centenarius Hundredique Aldermanus appellatus est. Praerat omnibus Hundredi Friborgi, cognovitque de causis majusculis; que in eisdem finiri non potuerunt. *Spelm.*

Justicements (from *Iustitia*) All things belonging to Justice. *Coke on Westm.* 1. fol. 225.

Justices of Laborers, Were Justices appointed, in former times, to redrefs the frowardness of Laboring men, who would either be idle or have unreasonable wages. Anno 21 Edw. 3. cap. 1. — 25 Eiusdem, cap. 8. And 31 Eiusdem, cap. 6.

Justices of Nisi Prius, Are now all one with Justices of *Assises*: For it is a common Adjournment of a Cause in the *Common Pleas*, to put it off to such a day, *Nisi prius Iusticiarii venerint ad eas partes ad capiendas Assises*. Upon which Clause of Adjournment, they are called Justices of *Nisi Prius*, as well as Justices of *Assise*, by reason of the Writ or Action they have to deal in. Their Commission you may see in *Cromp. Iuris.* fol. 204. Yet he makes this difference between them, because Justices of *Assise* have power to give Judgment in a Cause, and Justices of *Nisi Prius* only to take the Verdict.

Verdict. But in the nature of both their Functions, this seems to be the greatest difference, that Justices of *Nisi Prius* have Jurisdiction in Causes Personal, as well as Real; whereas Justices of *Affise*, in strict acceptation, deal only in the Possessory Writs, called *Affises*. Cowell, *Wit. i. 11. cap. 10. fol. 10.*

Justices of Trail-baston, Were Justices appointed by King Edward the First, Anno 1305, upon occasion of great disorders in the Realm, during his absence in the Scottish and French Wars: They were so called, according to *Holinshed*, of trailing or drawing the Staff of Justice, or for their summary proceeding, according to *Coke*, 12 Rep. fol. 25, where it is said they were in a manner *Justices in Eyre*, and their Authority founded on the Statute of Ragman. What their Office was, take from a coetaneous Author: — *Circa hac tempora processi in publicum mox inquisitio breve, quod anglicè dicitur Trail-baston, contra Intrusores, Conductitios hominum rapacitores, conductitios scissarum captorum, pacis infraactores, raptore, incendiarios, murduratorios, pugnatores. Multi hoc perempti, multi redempti, multi noxi, pauci innocui sunt inventi.* Ad eadem rigide processit hujus contentionis justitia, *quod pater proprio filio non pardetur, &c. dira multa.* Hist. Roffens, fol. 200, de Anno 1305. By means of which Inquisitions, many were punished by Death; many by Ransom, many fled the Realm, which was thereby quieted; and the King gained great riches towards the support of his Wars. See *Matth. Westm. in Anno 1305*. We finde also a Commission of Trail-baston coram Rogerio de Grey & Sociis suis Justic. apud St. Albans, Anno Regni Regis Edw. terii post Conquestum. See *Spelv. Gliss. verbo, Trail-baston*.

Justices of the Pavillon (*Justiciarii Pavilonis*). Are certain Judges of a Peppercorn Court, of a most transcendent Jurisdiction, anciently authorized by the Bishop of Winchester at a Fair held on S. Giles Hill near that City, by virtue of Letters Patent granted by Edward the Fourth. — *Episcops Wynton & successores suos, a tempore quo, &c. Justicioribus suis, qui vocantur Justiciarii Pavilonis, cognitiones placitorum & aliorum negotiorum eadem Feria Durante, nec non claves portarum & custodiam praeditae Civitatis nostra Wynton, pro certo tempore Feria illius, & nonnullas alias libertates, immunitates & consuetudines habuisse, &c.* See the Patent at large in *Prynnes Animad. on 4 Inst. fol. 1910*.

Justices of the Peace (*Justiciarii ad pacem*) Are those, who are appointed by the Kings Commission to attend the Peace of the County where they dwell; of whom some, for special respect, are made of the *Quorūm*, because some business of importance may not be dispatched without the presence or assent of them, or one of them. See *Quorūm*. The Office and Power of these, is various and grounded upon several Statutes, too long to recite. They were called *Guardians of the Peace*, till the Thirty-sixth year of Edward the Third,

cap. 12, where they are called *Justices*. Lamb. Enen. lib. 4, cap. 19, pag. 578. See *Shepherds Sure Guide for J. of Peace*.

Justices of Peace, Within Liberties (*Justiciarii ad pacem infra Libertates*) Are such in Cities, and other Corporate Towns, as those others of the Counties; and their Authority or power is all one within their several Precincts. Anno 27 Hen. 8. cap. 25.

Justiciar (Fr. *Justicier*) A Justice or Justicer. The Lord *Bermingham, Justiciar of Ireland*. Baker, fol. 118.

Justicies, Is a Writ, directed to the Sheriff, for the dispatch of Justice, in some special Cases in his County Court, of which, by his ordinary power he cannot hold Plea there. *Fitz. Nat. Br. fol. 117. Kitchin, fol. 74.* says, That by this Writ the Sheriff may hold Plea of a great sum, whereas of his ordinary authority he cannot hold Pleas, but of sums under Forty shillings, with whom *Crompton* agrees, fol. 231. It is called a *Justicies*, because it is a Commission to the Sheriff *Ad justiciandum aliquem*, to do a Man justice or right, and requires no Return or Certificate of what he hath done. *Bratton, lib. 4. tract. 6. cap. 13. num. 2.* makes mention of a *Justicies*, to the Sheriff of London, in a case of Dower. See the *New Book of Entries*, verbo, *Justicies*.

Justification (*Justificatio*) Is a maintaining or shewing a good reason in Court, why one did such a thing, which he is called to answer. As to *justify* in a cause of Replevin. *Broke, tit. Replevin.*

Justificatores (*Justificatores*) Will. Rex Anglia H. Camerario & *Justificatoribus suis, omnibus suis fidelibus Norf. salutem. Inquire per Comitatum quin justis bujusmodi forisfacturam habebet tempore Patrii mei, sive Abbas Ramsie sive antecessor W. de Albenio. Et si Comitatus concordaverit quod Abbas redditus prædictam forisfacturam debet habere, tunc præcipio ut C. solidi quos Radul. Passel. implacitarit, sine mora Abbati reddantur. T. Episcopo Dunelmensi.* Sir Henry Spelman leaves it thus without explication. *Justificatores* seem to signify Compurgators, or those that by Oath justify the Innocency, Report or Oath of another, as in the case of *Waging Law*; also Jury-men; because they justify that party, on whose behalf they give their Verdict.

Kalender-Month (Mentioned in the Stat. 16 Car. 2. cap. 7.) Consists of Thirty or thirty one days, according to the *Kalender*. A *Twelvemoneth* in the singular number, includes all the year; but *Twelvemoneths* shall be computed according to Twenty eight days to every Month. See *Coke, lib. 6. fol. 61. b. Categories Case*, and see *Computation*.

Bantres, (Brit.) In Wales it signifies a Hundred Villages. — Le premier Conquerour des trois Bantres de la terre de Breckenock, estoit Bernard de Neufmarche, Norman. Mon. Angl. i. pa. fol. 319. b. See *Cantred*.

Barle (Sax.) A Man; and sometimes a Servant or a Clown. Hence the Saxons called a Seaman, a *Wulscarle*, and a Domestick Servant, *Hylscarle*. This word is often found in *Domesday*, *Seldens Mare Clausum*, and other ancient Records; from hence, by corruption, comes our modern word *Clurke*.

Marrata fent (Mon. Angl. i. par. fol. 548. b.) A Cart load of Hay. See *Caretha*.

Kay (Kaia G. Caya, Sax. cæg.) Area in littore encrandarum atque exonerandarum navium causa, & compatis tabulis trahibusque (clavium instar) firmata. A Wharf to Land, or Ship Goods or Wares at. The Verb *Caiare* in old Writers, signifies (according to Scaliger) to keep in; or restrain; and so is the Earth or Ground where *Kays* are made, with Planks and Posts.

Kayage (Kavagrum) Portorium quod Kaia nomine, exigit Tolerans. The Money or Toll paid for Loading or Unloading Wares at a Kay or Wharf. Rot. Pat. i. Edw. 3. m. 10. and 25 Edw. 3. m. 1.

Kedel (Anno 12 Edw. 4. cap. 7.) See *Kiddele*.

Keeper of the Great Seal (*Custos magni Sigilli*) Is a Lord by his Office, styled *Lord Keeper of the Great Seal of England*; and is of the Kings Privy Council, through whose hands pass all Charters, Commissions, and Grants of the King, under the Great Seal. Without which Seal, many of those Grants and Commissions, as to divers particulars, are of no force in Law; the Kings Great Seal being as the Publick Fartis of the Kingdom, in the high esteem and reputation, justly belonging and attributed thereto. This *Lord Keeper* by the Statute 5 Eliz. cap. 18. hath the same Place, Authority, Preheminence, Jurisdiction, Execution of Laws, and all other Commodities and Advantages as the *Lord Chanceller* of England hath. Both these great Officers cannot properly be at the same time, since the said Statute, but before they might. Yet Sir Francis Bacon was made *Lord Keeper*, 7 Martij, 1616. The *Lord Chancellor* Egerton then living, but died the next day. He is made *Lord Keeper* of the Great Seal, *Per Traditionem Magni Sigilli sibi per Dominum Regem*, and by taking his Oath. 4 Inst. fol. 187.

Keepers of the Liberties of England, by Authority of Parliament. See *Custodes Libertatis*.

Keeper of the Privy Seal (*Custos privati Sigilli*) Is a Lord by his Office, through whose hands pass all Charters signed by the King, before they come to the Great Seal, and some things which do not pass the Great Seal at all. He is also of the Kings Privy Council, and was anciently called *Clerk of the Privy Seal*. Anno 12 Rich. 2. cap. 11. Gardien del Privy

Seal. In Rot. Parl. ii Hen. 4. num. 28. And Lord Privy Seal. Anno 34 Hen. 8. cap. 4.

Keeper of the Touch (Anno 12 Hen. 6. cap. 14.) Seems to be that Officer in the Kings Mint, which at this day is called *Master of the Assay*. See *Mint*.

Keeper of the Forest (*Custos Foresta*) Is also called *Cheif Warden of the Forest*, and hath the principal Government of all things, and the check of all Officers, thereto belonging: And the Lord Cheif Justice in Eye of the Forest, when it pleaset him to keep his Justice Seat, sends out his general Summons to him forty days before, to warn all under Officers to appear before him, at a day assigned in the Summons. Manu. par. i. p. 156. &c.

Kennets, A sort of coarse Welsh Cloth, mentioned Anno 33 Hen. 8. cap. 3.

Bernes, Idle persons, Vagabonds. — Nec non de illis qui dicuntur homines ociosi, & mal-factoribus, qui etiam *Bernys* dicuntur. Ord. Hibern. 31 Edw. 3. m. 11, 12.

Kernellatus. — Et Dux (sc. Lanc.) dicit, quod ipse clamat pro se & heredibus suis habere Castrum suum de Halton, Kernellatum. Pl. de quo Warr. apud Cestriam, 31 Edw. 3. Fortified or Embattled.

Keyles or Kiles (*Cyuli or Ciules*) A kinde of Long Boats of great Antiquity, mentioned Anno 23 Hen. 8. cap. 18. Longa Naves quibus Britanniam primò ingressi sunt Saxonae. Spel.

Kidder (Anno 5 Eliz. cap. 12.) — Every person being a Common Badger, Kidder, Lader, or Carrier. — Says the Statute; whereby it seems to signific one, that Badges or carries Corn, Dead Virtual, or other Merchandise up and down to sell; called also *Kydiers*. Anno 13 Eliz. cap. 25.

Kiddle, Kidel, or Kedel (*Kidellus*) A Dam, or open Wear in a River, with a loop or narrow cut in it, accommodated for the laying of Weel, or other Engins to catch Fish. 2 Part. of *Cokes*. Instit. *Anzustia*, machinas sine ingenia in fluminibus posita ad Salmones, aliosque pisces intercipiendos. Some Fishermen corruptly call them Kettles. The word is ancient, for in *Magna Charta*, cap. 24. we read thus — Omnes Kidelli deponantur de catero penitus per Thamestan & Medwayam & per totam Angliam, nisi per costarum Maris. And in a Charter made by King John, power was granted to the City of London, *De Kidellis ambwendis per Thamestan & Medwayam*. Anno 1 Hen. 4. cap. 12. It was accorded (inter alia) That a Survey should be made of the Wears, Mills, Stanks, Stakes, and *Kidels* in the great Rivers of England. Ing. capt. apud Derb. 15 Nov. 1 Eliz. post mortem Tho. Fyndern, &c. — *Et fuit seiscius de uno Kidello vocat. a Wette, ac de libera piscaria in Potlok*. Esc. Bundello. 3.

Kilketh, Was an ancient servile kind of payment; for, in an old Manuscript I find *Kilketh pro qualibet busbandrea 2 denar.*

King of Heralds, (Red Heraldorum,) Is a chief Officer at Armes that hath the preheminence of the Society; Among the Romans he was called *Pater patrum*. See *Herald*.

King

King of the Minstrels, at Tutbury in Com. Staff. his power and priviledge appears in the following Charter.

Johan par le grace de Dieu, Roy de Castile & de Leon Duke de Lancastre a tous ceux, que ces lettres verront ou orront saluz. Sachez nous avoir ordenez constitut & assignez nostre bien ame le Roy des Ministrailx deins nostre Honcur de Tuttebury quore est, ou qui pur le temps sera, pur prendre & arrester tous les Ministrailx deins meisme nostre Honcur & Franchise, queux refusent de faire lour services & Ministracie a eux appertenans, a faire de ancient temps a Tuttebury suisdist annuellement les jours del Assumption de nostre dame. Donants & grantants au dit Roy des Ministrailx pur le temps estant plein poier & mandement de les fair rejonablement justifier & confrener de fair lour services & Ministracies en maner come appoint, & come illoquens ad este use & de ancient temps accustome. En testimoigniance de quel chose nous avons fait faire cestes nos lettres patents, don souz nostre privie Seal a nostre Castel de Tuttebury le xxiiij jour de August le an de regne nostre tresdulces le Roy Richard Second, quart. Confirmed by Hen. 6.22. Febr. 21 Regni.

Item est ibidem quadam Consuetudo quod Histriones, venientes ad matutinas in festo Assumptionis Beatae Mariae, habebunt unum Taurum de Priore de Tuttebury, si ipsum capere posse sunt circa aquam donec propinquorem Tuttebury, vel Prior dabit eis xl d. pro qua quidem Consuetudine dabuntur Domino ad dictum Festum annuatim xx d. Mon. Angl. i Par. fo. 355. b. See Minstrels.

Kings-Bench, (Bancus Regius, from the Sax. Banca, a Bench or Form) Is the Court or Judgment Seat, where the King of England was sometimes wont to sit in his own person, and was therefore moveable with the Court or Kings household, and called Curia Domini Regis, or Aula Regis; wherein, and in the Exchequer (which were the only Courts of the King till Henry the Thirds dayes) were handled all matters of Justice, as well civil as criminal. This Court was wont, in ancient times, to be especially exercised in all criminal matters and Pleas of the Crown, leaving private Contracts and Civil actions to the Common-Pleas and other Courts. Glanvil, lib. 1. ca. 2, 3, &c. Smith de Repub. Angl. lib. 2. ca. 11. See Cokes 4 Inst. fo. 70.

Kings silber, Is that Money which is due to the King in the Court of Common-pleas, pro licentia concordandi, in respect of a Licence there granted to any man for levying a Fine, Coke Vol. 6. fol 39. a & 43. b.

Kings Swanneheard, (Magister deductus Cognorum,) Pat. 16 R. 2. pars 1. m. 28. — Radulphus Scot, Custodem Cognorum nostrorum, sive per alium quemcumque qui pro tempore Custos cognitorum nostrorum praedictorum fuerit. No Fowl can be a stray but a Swan. 4 Inst. fo. 280.

Kintal, (Span. Quintal,) Is a kind of weight, most commonly of one hundred pounds, or something under or over, according to the divers uses of sundry Nations; Flotowden, fol. 3. in the Case of Kenyngton and Fogassa, mentions 2000 Kintals of Woad.

Kirkby-Dwells, Is an ancient Record remaining with the Remembrancer of the Exchequer, the meaning and etymology whereof will appear by what follows. M. quod Anno Dom. 1277, Anno Regni Regis Edwardi filii Regis Henrici quinto, misit idem Rex per totam Angliam Ballivos inquirere sub juramento & in secreto de universis terris Anglia per Johannem de Kirkby Thesaurarium suum, quisquis teneret & cuius feodi, & quantum, & cuius Regis tempore feoffati essent. Ex Registro Glaston. Canobii penes Rad. Sheldon Ax. fo. 71. b.

Knabe, (Sax. Cnawa,) Is used for a Manservant, Anno 14 Edw. 3. Stat. 1. ca. 3. It did anciently signifie a Child; also a Minister or Servant. Matth. 8. 6. Puer nucus jacet in domo paralyticus, was, in the Saxon Translation, turned myn knawa. — Hence Teylb knaya, pro, Armiger, quasi scutis famulus seu minister; he that bore the Weapon or Shield of his Superior. It was sometimes of old used as a titular addition. — Johannes filius Willicimi Couper de Denby Knabe, ad satisfaciendum Regi de omni eo quod ad Regem pertinet, occasione cuiusdam Utlagaria in ipsum in placito transgressionis ad settam Regis promulgata. Original. de anno 22 Hen. 7. 26 Derby.

Knight, (Sax Cnyt. Miles, Chivalier, or Eques armatus, from his gilt Spurs usually worn, and thence called anciently Knights of the Spur. Signifies one that bears Arms, who, for his virtue, and Marshal prowess, is by the King, or one having his Authority, exalted above the rank of Gentlemen to a higher account or step of dignity. The manner of making them Cam. in his Britan. thus shortly expresteth. Nasus vero temporibus, qui Equestrem dignitatem suscepit, flexis genibus leviter in humero percussitur, Princeps huius verbis Gallice affatur; **Sous bel sois Chevalier au nom de Dieu.** i. Surge aut sis Eques in nomine Dei. This is meant of Knight-Bachelors, which is the lowest but most ancient degree of Knighthood with us. By the Stat. 1 Edw. 2. ca. 1. All Gentlemen having a full Knights Fee, and holding their Land by Knights Service, might be compelled by distress to procure himself to be made Knight, when he came to Mans Estate. But, by the Statute 17 Car. 1. ca. 20. it is ordained, that no man shall be compelled to take the Order of Knighthood, &c. The priviledge belonging to a Knight see in Ferns Glory of Generosity, p. 116. Of Knights there are two sorts, one Spiritual, so called by Divine, in regard of their Spiritual Warfare; the other Temporal, Cassaneus de gloriis mundi, Part 9. Considerat. 2. See Seldens Titles of Honor, fo. 770.

Knights of the Garter, (Eques Garterii, or Perseclidis,) Are an Order of Knights, created by Edward the Third, after he had obtain-

ed many notable Victories, who, for furnishing this honorable Order, made choice in his own Realm, and all Christendom, of 25 the most excellent and renowned persons for vertue and honour; Himself and His Successors, Kings of England, were ordained to be the *Sovereigns*, and the rest Fellowes and Brethren of this Order. *Smith de Repub. Angl. lib. 1. ca. 20.* The Officers belonging to it, are, The Prelate of the Garter, (which is always the Bishop of Winchester;) The Chancellor of the Garter; the Register, who is always Dean of Windsor; The Principal King at Armes called Garter, whose chief function is to manage their Solemnities at their Feasts and Installations; Lastly, the Usher of the Garter, being the Usher of the Black Rod. This most honourable Society is a Colledge or Corporation, having a great Seal belonging to it. See *Garter*.

Knights Baneret. See *Baneret*. *John Coueland*, (for his valiant service against the Scots) had the honour of Baneret conferred on him and his Heirs for ever, by Patent, 29 Edw. 3. part 1. m. 2.

Knights of the Bath, See the Antiquity and Ceremony of their Creation in Mr. *Dugdale's Description of Worcestershire*, fo. 531, 532. They are so called from their Bathing the night before their Creation; Their place is before *Knights Batchelors*, and after *Baronets*.

Knights of St. John of Hierusalem, (*Milites Sancti Johannis Hierosolimitani*,) Had beginning about the year 1119, and denominatio[n] from *John* the charitable Patriarch of *Alexandria*, though vowed to *St. John Baptist* their Patron. They had their primary foundation and chief aboad first in *Hierusalem*, and then in the Isle of Rhodes, until they were expelled thence by the *Turk*, Anno 1523. Since which time their chief Seat is in the Isle of *Malta*, where they have done great Exploits against the Infidels, especially in the year 1595, and are now called *Knights of Malta*. They had one general Prior, who had the Government of the whole Order within *England* and *Scotland*. *Reg. of Writs*, fol. 20. b. and was the first Prior of *England*, and late in the Lords House of Parliament. Of these Knights mention is made in the Stat. 25 Hen. 8. ca. 2. & 26 ejusdem, ca. 2. But, Anno 32 Hen. 8. ca. 24. They in *England* and *Ireland*, being found overmuch to adhere to the Pope against the King, were suppressed, and their Lands and Goods referred by Parliament to the Kings disposition. See *Hospitallers*.

Knights of Malta. See *Knights of St. John*. —

Knights of Rhodes. (Anno 32 Hen. 8. ca. 24.) See *Knights of St. John*. —

Knights of the Temple. See *Templars*.

Knights of the Chamber, (*Milites Camerariorum*,) mention'd in 2 Inst. fo. 666, and in Rot. Pat. 29 Ed. 3. par. 1. m. 29: seem to be such *Knights Batchelors*, as are made in time of Peace,

because Knighted commonly in the Kings Chamber, not in the Field, as in time of War.

Knights of the Shire, (*Milites Comitatu[m]*) otherwife called *Knights of Parliament*, are two Knights, or Gentlemen of worth, chosen upon the Kings Writ, in pleno Comitatu[m], by the Freeholders of every County that can dispense 40 s. per ann. Anno 1 Hen. 5. ca. 1. and 10 Hen. 6. ca. 2. who are in Parliament to consult in behalf of the Commons of *England*, touching the Publick Affairs of the Realm. These, when every man that had a Knights Fee, was customarily constrained to be a Knight, were of necessity to be *militia gladio cincti*, for so runs the Writ at this day. But now Custom admits *Esquires* to be chosen to this Office. — *Quod milites Comitat. pro Parlamento extunc eligend. sint milites notabiles de eisdem Com. pro quibus sic eleguntur, seu aliter notabiles Armigeri, homines generosi de nativitate de eisdem Com. qui sint habiles existere milites, & quod nullus homo sit talis miles, qui in gradu valetti & inferiori existit, prout in Statuto continetur, viz. 23 H. 6. In breve de Sum. ad Parl. Clauſ. 39 Hen. 6. in dorſo. m. 41.* For the choice of these Knights see the Statutes 7 Hen. 4. ca. 15. 23 Hen. 6. ca. 15. with others. Their expences are to be born by the County, 35 Hen. 8. ca. 11. though now a dayes that is, for the most part, not required.

Knight Marſhal, (*Marescallus Hostiis Regi*,) Is an Officer of the Kings House, having jurisdiction and cognizance of any transgression within the Kings House, and verge of it; as also of contracts made within the same house, whereto one of the House is a party. *Reg. of Writs*, fo. 185. a. and 191 b. and *Spelmans Glossar* in voce *Marescallus*.

Knight-service, (*servitium militare*) Was a tenure, whereby several Lands in this Nation were held of the King, which drew after it Homage and Service in Warr, Escuage, Ward, Marriage, &c. but is taken away by Stat. 12 Car. 2. ca. 24. In *Domesday book* some Land holden by Knights service is called *Lainland*, and land holden by Soccage, *Rebeland*, fo. 86. a.

Knights fee, (*Feudum militare*) Is so much inheritance, as is sufficient yearly to maintain a Knight with convenient Revenue; which in *Henry the Thirds* dayes was 15 l. *Cam. Brittan. pa. 111.* But, Sir *Thomas Smith*, in his *Repub. Angl. lib. 1. ca. 18.* rates it at 40 l. And, by the Stat. for Knights, 1 Ed. 2. ca. 1. such as had 20 l. per Ann. in Fee or for life, might be compelled to be Knights; which Stat. is Repealed by 17 Car. 1. ca. 20. *Stat. in his Annals*, pa. 285, says, There were found in *England* at the time of the Conquerour 60215; Knights Fees, according to others 60215; whereof the Religious Houses, before their Suppression, were possessed of 28015. — *Vnde octo Carucata terra faciunt feodium unius militis. Mon. Angl. 2 p. fo. 825. 2.* Of this you may read more in *Seldens Titles of Honors* fo. 691. and *Braſton*, lib. 5. Tract. 1. ca. 2. See *Coke on Litt.* fo. 69. a. A Knights Fee contained 12 R r Plow-

Plow-lands, & Part Inst. fo. 59d. or 630. Acres.

Knighten-gyld, Was a Gyld in London consisting of 19 Knights, which King Edgar founded, giving them a portion of void ground lying without the Walls of the City, now called Porsoken-ward. Stowes Annals, pa. 191. This, in Mon. Angl. 2. p. fo. 82. a. is written **Knit-**
tenegild.

Kyddiers, (Anno 23 Eliz. ca. 25.) See **Kiddier.**

Kylpyto. — *Et sine quiete de pastu & Kylpyto,* & omnibus aliis exactiōibus, quas *Forestarii &* alii *Balivi solent exigere.* Mon. Angl. 1 Par. fo. 722. b. Perhaps it might signify some kind of Pottage; for **Bele**, in the North, is still used for Pottage.

L.

Labozariis, Is a Writ that lies against such, as having not whereof to live, do refuse to serve; or against him that refuseth to serve in Summer, where he served in Winter. Reg. of Writs, fo. 189. b.

Laches, (Fr. *Lache*, i. *Frigidus*, *Ignarus*,) Signifies slackness, or negligence. As no Laches shall be adjudged in the Heir within age. *Litt.* fo. 156. and *Old. Nat. Br.* fo. 110. Where a Man ought to make, or do a thing, and he makes or does it not; *i.e.* of his Laches cannot have an Assise, but must take an Action on the Case. See *Cuke v. Litt.* fo. 246. and 380. b.

Lafordstwick, (Sax. *Hlaſops*, *Domitus* & *ypic*, *Proditio*,) *Infidelitas erga Dominum*; A betraying ones Lord or Master. In the Lawes of Hen. r. ca. 13. *Quædam Placita emendari* (i. *Quædam crimina expiari non possunt*; *Hul-*
brecht, *Wernet*, *Openthefe*, *Eberemorth*, & *Lafordstwick*. Which word is also found in *Canutus Laws*, ca. 61. and in soine Authors corruptly written *Labordfith*.

Laga, (Sax. *Lag*.) Law, Lagam Regis Edwardi vobis reddo, cum illis emendationibus, quibus Pater meus eam emondavit, says *Magna Charta*. Hence *Seaxenlage*, *Mareenlage*, *Dancelage*, &c.

Lageman, or Labman, (*Lagamanus*) Homo legalis seu legitimus; Such as we call now Good men of the Jury. I find the word in *Domesday*, and in the Lawes of Edward the Confessor, ca. 38. thus — Postea inquisisset Justitia per Lagamannos, & per meliores homines de Burgo, &c.

Lagen, (*Lagena*,) *Flete*, lib. 2. ca. 8, 9. In ancient time it was a Measure of six Sextarii. Hence perhaps our *Flagen*. *Donatio insuper de sex Lagenis ocli annuatim.* *Carta 2 Ed. 3 m. 25.* n. 82. See *Minstrel*.

Lagon, (From the Sax. *Legan*, & *Liggan*, i. *Facere*) Is that which lies in the bottom of the Sea. See *Flotson*.

Lahslit, Laglite, Laghslite, (Sax. *Laȝ*, *Lex.* & *Plite*, *Kupiso*) The breaking or transgressing the Law; and sometimes the punish-

ment for breaking a Law. — *Si quis Dei restitu-
dinos periret senectat, solvit Lahslite cum datis,
plena Wyiam cum Anglis.* Leg. Hen. 1.
ca. 13.

Lairboite, Lecherwite, & Legergeldum, (A Sax. *Lagan*, seu *Lagan*, *Concumber* & *pīte*, *Mulha*,) A Fine, or Custom of Punishing Of-fenders in Adultery and Fornication; which priviledge did anciently belong to the Lords of some Mannors, in reference to their Villains and Tenants; which *Fleta* (lib. 1. ca. 17.) seems to infer. See 4 Inst. fo. 206.

Lammes-day, (Anno 29 Hen. 8. ca. 4.) Is the first of August, and so called quasi *Lamb-Mass*; on which day the Tenants that held Lands of the Cathedral-Church of York, (which is dedicated to St. Peter ad Vincula,) Were bound by their Tenure to bring a live Lamb into the Church at High-Mass on that day. See *Gule of August*.

Landa, A Laren, or open Field, without wood. *Robertus Comes Leggecestriae Radulphus Pincerna & omnibus Baronibus & fidelibus suis salutem. Scitis me dedisse servo dei Maigero Monacho in Eleemosina parvam Landam que est inter Lunbreadum & Copiciecliam ad Mansione & oratorium ibidem faciend. Testibus &c. Sine datu.*

Landboe, (a Sax. *Land*, i. *Terra & boe*, *Li-
ber*) A Charter or Deed, whereby Lands or Tenements are held or given. — *Ut prefata Abbaissa prænominationem terram, scilicet centum Manentium cum librī, quas Angli dicunt Land-
hoc in perpetuum hereditatem tradaret.* Con-
cil. Synodale apud Clavesho, Anno Dom. 822. Sic Anglo-Saxonis Charta & Instrumenta nu-
cuparunt, prædiorum cessiones, jura & firmitates
continens. Spcl.

Landegandman, Was one of the inferior Tenants of a Manner. *Custumiarum genus* seu *inferiorum tenentium Mannerii*, says the learned Speciman, who adds — *Occurrit vox in Cu-
stomari. de Heckam.*

Landeheap, (Sax. *Land-ceap*, from *Ceapan*, to buy and sell) A certain ancient customary Fine, paid either in Money or Cartel, at every alienation of land lying within some Manner, or within the liberty of some Borough: As at *Maldon* in Essex, there is yet a Custom claim'd by the same name, viz. that for certain Houses and Lands sold within that Borough, *xiii d.* in every Mark of the Purchase-Money shall be paid to the Town; which Custom of *Landeheap* is claimed by a Grant (inter al.) made to that Town by the Bishop of London, Anno 5 Hen. 4. The word is also found in Spcl. de Concil. Vol. 1. fo. 502. Somner in his *Sax. Dīl.* says, *Landceap*, for-tasse *præcium fundi patre datum et debitum.*

Landgable, (Sax. *Land-gafel*) *Terra cen-
sus vel redditus*, A Tax, or Rent issuing out of Land. *Domesday*, *Census prædialis vel tribu-
tum quod a prædis colligitur.* — *Id est pro quoque domo unum denarium.* Spcl.

Landimers, (*Agrimensores*,) Measurers of Land, anciently so called. *Landimera autem*

cum certis tunc vobis metas. From the Sax. *Gemæcī.*
i. terminus.

Landman (Sax. *Landesman*, *Terriculus*) The Terre-tenant.

Land-tenant, Is he that actually possesses the Land, or hath it in his Manual occupation. Anno 14 Edw. 31 Stat. i. cap. 3. See *Ten-*
tenant.

Langemannī. —Item in ipsa Cittate erant
12 Langemannī, i. Habentes Socam & Sacam.
Domesday, iii. Lincolnscire.

Lanis de crescentia Wallie traducendis
absque Custuma, &c. Is a Writ that lies to the Customer of a Port, to permit one to pass over Wool, without paying Custom, because he hath paid it in Wales before. Reg. of Writs, fol. 279.

Lapse (*Lapsus*) Is a slip or omission of a Patron, to present a Clerk to a Benefice within six Moneths, after it becomes void; in which case, we say the Benefice is in *lapse* or *lapsed*. Anno 13 Eliz. cap. 12. And this *lapse* is incurred, as well where the Patron is ignorant of the Avoidance, as privy; except onely upon the Resignation of the former Incumbent, or Deprivation upon any Cause comprehended in the same Statute: In which Cases the Bishop ought to give notice to the Patron.

Larceny (Fr. *Larcin*, Lat. *Larcinum*) Is a Theft of Personal Goods or Chattels in the owners absence; and in respect of the thing stoln, it is either great or small. *Great Larceny* is when the things stoln, though severally, exceed the value of xii d. *Petit Larceny*, is when the Goods stoln exceed not the value of xii d. Of this see more in Stamf. Pl. Cor. lib. i. cap. 15, 16, 17. *Inter minuta autem furtis* (says Spelman) *que forenses vocant Petie Larceny*, olim babebantur equi & bovis substratio, ut perspicuum, est ex Affisa Hen. 2. Clarendonae editis, ubi sic legitur. *Hac Affisa* attenbit — in murdo & prodione & iniqua combustione & in omnibus prædictis, nisi in minutis furtis & roberii, que facte fuerunt tempore guerra, sicut de equis & bovis & minoribus rebus.

Larding-mony. In the Manner of Bradford in Com. Wilts, the Tenants pay to the Marquess of Winchester, their Land-Lord, a small yearly Rent by this Name: Which, I conceive to be for liberty to feed their Hogs, with the Malt of the Lords Woods; the Fat of a Hog being called *Lard*.

Larons (Fr.) Theeves. In the Statute for View of Frank-pledge, made 18 Edw. 2. The Fourteenth Article to be given in charge at Leets is. *Of Petry Larons, as of Geese, Hens, or Sheats of Corn.*

Lashlite. *Si quis decimam contra tensat,* reddas *Lashlite cum Datis, Witam cum Anglia.* It denoted the Danish common forfeiture, which was Twelve Ores, every Ore valuing about xvi d. Sterling. Seldens Hist. of Tythes, pag. 203.

Last (Sax.) *Lest* (Fr.) Signifies a burden in general, and particularly a certain weight

or measure. *Aza Last of Pitch, Tar, or Ashes,* contains Fourteen Barrels. 32 Hen. 8. cap. 14. *A Last of Hides;* or Skins, Twelve dozen. 1 Ricb. cap. 33. *A Last of Cod-fish,* Twelve Barrels, 15 Car. 2 cap. 7. *A Last of Herring,* contains Twenty Cades, or Ten thousand; every Thousand, Ten hundred, and every Hundred sixscore. Anno 51 Hen. 3. Stat. 2. cap. 2. *A Last of Curn,* or Rape-seed, is Ten Quarters. *A Last of Wool,* is Twelve Sacks. *A Last of Leather,* is Twenty Dickers, and every Dicker Ten Skins. Of Unpacked Herrings, Eighteen Barrels make a *Last*. *A Last of Omonds* is Four thousand weight. *Sed cum discederent (mercatores) 4 denarius de uno quoque Lethi habebant Rex & Comes.* Sc. Cestræ. LL. Edw. Conf. apud Selden, tit. Hon. fol. 620.

Last also, in the *Marshes* of East Kent, signifies a Court held by Twenty four Jurats, and summoned by the two Bailiffs thereof, wherein they make Orders, lay and levy Taxes, impose Penalties, &c. For preservation of the said *Marshes*. See the *Hist. of Imbanking and Draining*, fol. 54.

Last Heir (*Ultimus Heres*) Is he to whom Lands come by Escheat for want of lawful Heirs, that is the Lord of whom they are held, in many Cases, but the King in others. *Quippe Rex omnium barenum ultimus est, uti Oceanus omnium fluviorum receptaculum.* Bracton, lib. 7. cap. 17.

Lastage, Lestage, and Lesting (*Lastagium*, from the Sax. *Last*, i. *onus*) A Custom exacted in some Fairs and Markets to carry things where one will (according to Rastal.) But Anno 21 Ricb. 2. cap. 18. it is taken for the Ballance of a Ship. In a Charter of Henry the Third, to the Monastery of Semplingham, thus — *Et sunt quieti de Theboronia, & pantagio, & passagio, & pedagio, & Lestagio, & stallagio.* Where it is to be understood in the former signification. *Omnès homines London sunt quieti & liberi & omnes res eorum per totam Angliam, & per portus maris, de theboronia, & passagio, & laffagio, & ab omnibus aliis consuetudinibus.* Diploma Hen. 1. de Libertatibus London.

Lastage (says another Author) Is properly that Cofton which is paid for Wares sold by the *Last*, as Herrings, Pitch, &c.

Lathe or **Leth** (*Latum, Leda*) Sax. *Leþe*) Is a great part of a County, sometimes containing three or more Hundreds or Wapentakes; as it is used in Kent and Sussex. *Suoque olim subaudiens Magistratus quem Ledrevium appellabant.* — *Et quid Anglicæ vocabant 3 vel 4 Hundreds, isti vocabant hƿiþinga.* In quibusdam verò præviciis, Anglicæ vocabant *Leþ*, quod isti dicunt *Trithinge*. *Quod autem in Trithinge definiri non poterat, fermeatur in Scyram, i. in Curiam Comitatus:* LL. Edw. Conf. cap. 33. — *Ei sunt quieti de scell Comitatum, Leth, Hundred. & auxiliis Vicecomitum.* Pat. 1 Hen. 4. par. 8. m. 8.

Latimer, Seems to be used by Sir Edw. Coke

Coke for an Interpreter. 2 Part. Inst. fol. 515.
Vox autem unde veniat, non liquet.

Latitat, Is the name of a Writ whereby all Men in Personal Actions are called originally to the Kings Bench. Fitz. Nat. Br. fol. 78. which hath this name, upon a supposition, commonly untrue, that the Defendant doth lurk and lie hid: For *Latitare est se maliciose occultare animo fraudandi creditores.* The true original of this Writ, is this: In ancient time whilst the Kings Bench was moveable, the Custom was, when any Man was to be sued, to send forth a Writ, to the Sheriff of the County of Middlesex, where the Court was Resident, called a Bill of Middlesex, to take him; whereupon the Sheriff returned *Non est inventus in Baliva nostra, &c.* Then was there a second Writ sued forth, that had these words, —*Cum Testatum est quod Latitat, &c.* And thereby the Sheriff willed to attach him in any other place, where he might be found: And when the Tribunal of the Kings Bench came to be settled at Westminster, the former course of Writ was kept for a long time, first sending to the Sheriff of Middlesex, to Summon the Party; and if he could not be found there, then to apprehend him wheresoever: But afterwards, by the contrivance of Clerks, and upon a pretence of Expedition of Justice, it was at last devised to put both these Writs into one, and so to attach the party complained of, upon a Supposal or Fiction, that he was not within the County of Middlesex, but lurking elsewhere; and that therefore he was to be apprehended in any place else, where he was presumed to lie hid, by a Writ directed to the Sheriff of the County where he is suspected to be.

Launcegaps (Anno 7 Rich. 2: cap. 13.) A kind of offensive Weapons now disused, and prohibited by the said Statute.

Law (Lex) From the Saxon Laȝ or Laugh) The Law of England is divided into Three Parts: The Common Law, which is the most Ancient and General Law of the Realm; Statutes or Acts of Parliament; and thirdly, Particular Customs, I say, particular; for if it be the General Custom of the Realm, it is part of the Common Law. Coke on Littl. fol. 15. b. Bratton defines it to be *Sanctio justa iubens honesta & probibens contraria.* And the Divine Schoolman says, *Lex humana est quoddam diffamen rationis, quo diriguntur humani actus.* See Mercenlage.

Law hath also a special signification, wherein it is taken for that which is lawful with us, and not elsewhere: As Tenant by the curtesie of England. Anno 13 Edw. 1. cap. 3. To Wage Law (*Vadiare Legem*) and to make, or do Law (*Facere Legem.*) Bratton, lib. 2, tratt. 2, cap. 37. When an Action of Debt is brought against one, upon some secret Agreement or Contract, as in an Action of Detinue for Goods, Money, or Chattels, lent or left with the Defendant, the Defendant may *wage his Law*, if he will, that is, swear, and certain persons with him, that he detains not the Goods, or ows nothing

to the Plaintiff, in Manner and Form as he hath declared, which is intended by Law, to be only in case of the Plaintiffs want of Evidence, and when he cannot prove his Surmise by any Deed, or open Act. When one *wages his Law*, he shall bring with him so many of his Neighbors as the Court shall assign (Sir Edward Coke says Eleven) to swear with him, That they think in their Consciences he hath sworn truly; who in the Civil Law are called Compurgators. The offer to make the Oath, is called *Wager of Law*; and when it is accomplished, it is called *The making, or doing of Law.* See Glanzl. lib. 1. cap. 9. § 12. Anciently *Laga* was used as Latin for Law, —*Lagam Regis Edwardi vobis reddo, &c.* Magna Char. Hen. 1. Anno 1 Rich. 2. cap. 2. — 31 Hen. 6. cap. 6. Coke on Littl. fol. 153. § 295. who says it is called *Wager of Law*, because in old time the party did ingage with surety, to make his Law by such a day. *Legem vadiare, est cautionem dare de perimplendo Legis exigentiam in re litigata; ut de praestando Sacramento ad indicatam diem, cum indicito consacramento seu conjugatorum numero.* Speciman. And was a Custom anciently used among the Egyptians, as Boemus in his Book *De moribus Gentium*, informeth us.

Latoper, (*Legista, Legisperitus, Juri Apertus*, Our Saxons called him Lahman.

Law of Merchants (*Lex Mercatoria*) Is become a part of the Laws of this Realm; for, if there be two Joyn-Merchants of Wares and Merchandise, and one of them dies, his Executor shall have the moyety, which is not so in the case of others, not Merchants. Coke on Littl. fol. 182. Anno 13 Edw. 1. stat. 3. § 27 Edw. 3. cap. 8.

Law Spiritual (*Lex Spiritualis*) Is the Ecclesiastical Law, allowed by the Laws of this Realm, which is not against the Common Law (whereof the Kings Prerogative is a principal part) nor against the Statutes and Customs of the Realm. And regularly according to such Ecclesiastical Laws, the Ordinary, and other Ecclesiastical Judges do proceed in Causes within their Cognizance. Coke on Littl. fol. 344.

Law of the Staple (27 Edw. 3. stat. 2. cap. 22.) Is the same with Law-Merchant. See 4 Inst. fol. 237, 238. And Staple.

Law of Marque (Anno 27 Edw. 3. stat. 2. cap. 17.) From the German word *March*, i. *Limes*, a Bound or Limit; because they, that are driven to make use of this Law, do take the Shipping or Goods of that people, of whom they have received wrong, and cannot get ordinary Justice, when they can take them within their own Bounds or Precincts. See Reprisals.

Law-day, Is otherwise called *View of Frankpledge*, or *Court Leet*. Anno 1 Edw. 4. cap. 2. it is used for the County Court. —*Et quod terræ eorum imperpetuum quietæ sint de scelto Comitatum & Hundredorum nostrorum, de zvisa Franci plegiis & Lawdayorum, de Turno & auxilio Vicecomitum, &c.* Carta 39 Hen. 3. m. 5.

Lawing

Lawing of Dogs. Mastiffs must be lawed every three years. *Cromp. Jur. fol. 163.* that is, Three Claws of the Fore-foot shall be cut off by the Skin. *Char. Forestæ, cap. 6.* or the Ball of the Forefoot cut out. See *Expeditate* and *Pellata*.

Lawless Court. On *Kingshil* at *Rochford* in *Eſſex*, on Wednesday morning next, after *Michaelmas* day, at *Cockſcrowing*, Is held a Court, vulgarly called *The Lawleſſ Court*. They whisper and have no Candle, nor any Pen and Ink but a Coal; and he that ows Sute or Service, and appears not, forfeits double his rent every hour he is missing. This Court belongs to the Honor of *Raleigh*, and to the Earl of *Warwick*; and is called *Lawleſſ*, because held at an unlawful or lawleſſ hour, or *Quia dicta sine lege*. The Title of it in the Court Rolls, runs thus,

*Kingshil in} C'uria de Domino Rege,
Rochford. }ſſ. Dicta fine Lege.
Tenta eſt ibidem
Per ejusdem conſuetudinem,
Ante ortum ſolū,
Luceat niſi polus,
Senecallus ſolus
Nil ſcribit niſi colis,
Toties voluerit,
Gallus uſcantaverit,
Per cuius ſolē ſonitus,
Curia eſt ſummonita,
Clamat clam pro Rege,
In Curia fine Lege,
Et niſi ciid venerint,
Citiuſ paniſtuerint,
Et niſi clam accédat,
Curia non attendat,
Qui venerit cum lumine,
Errat in regimine:
Et dum ſunt fine lumine,
Capti ſunt in criminē:
Curia fine cura,
Jurati de injuria,
Tenta ibidem die Mercurii (ante Diem) proxi-
mi poſt Fefum Sancti Michaelis Arch-angeli,
Anno regni Regis, &c.*

This Court is mentioned in *Cam. Britan*, though imperfectly; who says this ſcivile attendance was impoſed on the Tenants, for conſpiring at the like unſeasonable time to raiſe a Commotion, fol. 441.

Lawleſſ-Man (Sax. *Laughelis-Man*, *ex-lex*) Is otherwise called an *Outlaw*. *Pro exlege tenebitur*, cum Principi non obediāt nec legi, & tunc utlazabitur ſicut illi qui eſt extra legem, ſicut **Laughelis-man**. *Bract. lib. 3.* & *Corona*, cap. II.

Laton. See *Landa*.

Layland (*Terra inculta, novale*) Land that lies untilled.

Leap-year. See *Bifſexile*.

Leafe (from the Fr. *Laisſer*, i. Relinquere, Permittere) Is a Demiſe or Letting of Lands, Tenements, Right of Common, Rent, or any

Hereditament to another, for Term of Years or Life, for a Rent Reserved. If the Leafe be written, it is ſaid to be an *Indenture*, *Deed*, *Poll*, or *Leafe in writing*; If made by word of Mouth, it is called a *Leafe Parol*. The Party that Lets this Leafe, is called the *Leaffor*, and he to whom it is made, the *Leafee*. A Leafe hath in it ſix Points or Parts, 1. Words im- porting a Demiſe. 2. A Leafee named. 3. A Commencement from a day certain. 4. A Term of Years. 5. A Determination. 6. A Reſervation of Rent. *Coke, vol. 6. Knights Case*, fol. 55.

Lecherwite alias **Legerwite**. See *Lairwite*.

Leccator, A Riotous debauched Person, a Roaring Boy, a Tavern-hunter. *Sciант—quod ego Iohannes Conſtabularius Ceftria dedi —Hugoni de Dutton, & Hæredibus Magiſtratum omnium Leccatorum & Meretricum totius Ceftriaſhia ſicut liberius illum Magiſtratum teneo de Comite. Salvo jure meo mihi & hæredibus meis. His teſtibus, &c. Sine dat. circa Annum 1220.*

Leet (*Leſta, viſus Franci-plegii*) Otherwise called a Law-daw: This Court, in whose Man- nor ſoever kept, is accounted the Kings Court; because the Authority thereof is ori- ginally belonging to the Crown, and thence derived to interior persons, and is a Court of Record. It enquires of all offences under *High Treafon*, though it cannot punish many, but muſt certifie them to the Juſtices of Affize, by Stat. 1 Edw. 3. cap. ult. Of which, ſee 4 Inst. fol. 261. And the Stat. 8 Edw. 2. *Hec eſt Curia priſca illa* (says Spelman) *qua inter Saxones ad Friboſoros, Decanias, Tegmentalas pertinebat. Leet comes from the Sax. Leet, i. Cenſura, arbitriuſ, or from Lat. Cenſere, affiſmare. Quod in hac olim Curia de dannis affiſabatur inter vicinos emergentibus, ut patet in LL. Edw. Conf. cap. 20. See the Antiquities of Warwick-ſhire, fol. 2.*

Legacy (*Legatum*) Is a particular thing given by a laſt Will and Testament; and he to whom ſuch Legacy is given is called a *Legatee*.

Legalis homo, Is taken for him, who stands *Rectus in Curia*, not Outlawed nor Excommuni- cated, nor Defamed; and in his ſence, are thoſe words ſo often uſed *Probi et legales homines*. Hence *Legality* is taken for the condition of ſuch a Man. —*Ipſe tamen malefactor tradat fideiſuſores de pace & legalitate tuenda, i. Sureties for his Good-behavior. LL. Edw. Conf. cap. 18. See Yoman.*

Legatarie (*Legatarius*) He or ſhe to whom any thing is bequeathed, a *Legatee*. Spel. ſays, it is ſometimes uſed *Pro Legato vel Nuncio*.

Legatozie (*Anno 27 Eliz. cap. 16.*) The ſame with *Legatary*.

Legergild (*Legergildum*) The ſame with *Lairwite*. But in the Laws of Hen. 1. cap. 12. it ſeems to have a different ſignification. *Si quis Dei fugitivum habet iuſtiſ, reddat eum ab rectum, & perſolvat ei cuius criſi, & Regi emendet ſecundum Legergildum.*

Legespend. See *Leplegend*.

Legitimation (*Legitimatio*) A making lawful, or Legitimate.

Lent (from the Sax. *Lencfen Fæften*, i. *Jejunium vel tempus quadragesimalis*, The Spring Fast) A time of Fasting for forty days, next before Easter; mentioned in the Stat. 2 & 3 Edw. 6. cap. 19. And (according to Sir Rich. Baker, *Chron. fol. 7.*) first commanded to be observed in England by Ercombert, Seventh King of Kent, before the year 800.

Lep and Lace (*Leppe & Lasse*) Is a Custom within the Mannor of Writtel (in Com. Essex) that every Cart that comes over a part thereof, called *Greenbury* (except it be the Cart of a Nobleman) pays four pence to the Lord of the Mannor. This *Greenbury* is conceived to have anciently been a Market place, and therefore had this privilege granted. *Tobias Edmonds, Gen Senescal. ibid.*

Lepozartus, A Grey-hound for the Hare.—*Concedo eis duos Leporarios & quatuor Bracatos ad leporum capiendum in Foresta nostra de Ffexia.* Mon. Angl. 2 par. fol. 283. a.

Leproso amobendo, Is a Writ that lies for a Parish to remove a Leper or *Lazar*, that thrusts himself into the Company of his Neighbors, either in Church or other Publick Meetings, to their Annoyance. *Fitz. Nat. Br. fol. 234.*

Leplegend (Sax. *Leſ-þegen*, i. *Barominor*)—*Sint sub quolibet horum quatuor ex mediocribus hominibus (quos Angli Leplegend nuncupant, Dani verò Pong men vocant) locati, qui curam & onus tum viridis tum veneris suscipiant.* Constitut. Canuti Regis de Foresta, Art. 2.

Lestage. See *Lafstage*.

Leth. See *Lath*.

Letherwite, 2 Inst. fol. 488. This is doubtless there mistaken, or false Printed for *Lecherwite*. See *Lairwite*.

Letters Patent (*Littere Patentæ*) Are Writings, sealed with the Great Seal of England, whereby a Man is enabled to do or enjoy that, which otherwise of himself he could not. Anno 19 Hen. 7. cap. 7. And they are so called, because they are open, ready to be shewed for confirmation of the Authority thereby given. Letters Patent may be granted by common persons, but they are rather called *Patents*; yet for distinction, the Kings Letters Patent are sometimes called *Letters Patent Royal*. Anno 2 Hen. 8. cap. 10. Letters Patent conclude with *Teste me ipsò, Sc. Charters, with His testibus.* 2 Parl. Inst. fol. 78.

Letter of Attorney (*Littera Attorniati*) Is a writing authorising an Attorney, that is, a Man appointed to do a lawful act in our steeds. West, pa. 1. Symb. lib. 2. sett. 559. As a Letter of Attorney to give Seisin of Lands, thus anciently.

Pateat universis per presentes quod ego Johannes Gour Dominus de Peolestone Attornavi loco meo dilectum mibi in Christo Johanne Hendyng ad ponendum William Nasche &

Rogerum Nasche in plena & pacifica seisinā in omnibus illis terris, & tenementis cum pertin. suis, quae & quas habeo in Orleton prout in carta Feofamenti dictū Will. & Rogerio inde confusa plenisus continetur. Ratum haben. & gratum quicquid dictus Iohannes nomine meo fecerit in præmissis. In cuius, &c. dat. 43 Ed. 3.

Letters of Marq—See *Marq* and *Reprisals*.

Levant and Couchant, Is, when Cattel have been so long in another Mans Ground, that they have lain down, and are risen again to feed; in ancient Records *Levantes* & *cubantes*. See *Falda*.

Levari facias, Is a Writ directed to the Sheriff for the levying a Summ of Money upon his Lands and Tenements, who has forfeited a Recognizance. *Reg. of Writs, fol. 298. b.*

Levari facias damna de disseisoribus, Is a Writ directed to the Sheriff, for the levying Damages wherein the Disseisor has formerly been condemned to the Disseisee. *Reg. of Writs, fol. 214. b.*

Levari facias residuum debiti, Is a Writ directed to the Sheriff, for the levying the remnant of a Debt upon Lands and Tenements, or Chattels of the Debtor, that has been in part satisfy'd before. *Reg. of Writs, fol. 299.*

Levari facias quando vicecomes returnavit quod non habuit emptores, Is a Writ commanding the Sheriff to sell the Goods of the Debtor, which he has already taken and returned, that he could not sell. *Reg. of Writs, fol. 300. a.*

Levy, (*Levarē*) Signifies to gather, or exact, as to *levy* Money; and is sometimes used to erect or set up, as to *levy* a Mill. *Kitchin, fol. 180.* Also to raise or cast up, as to *levy* a Ditch. *Old. Nat. Br. fol. 110.* And to *levy* a Fine, which is now the usual term; but, I have seen a Deed, wherein *William St. George Esquire* covenants to *releve* a Fine of the Mannors of Brandon and Wych-hampton. *Dat. 17 Hen. 6.*

Lex Bretois, The Law of the *Britans*, or *Marches* of *Wales*, *Lex Marchiarum*. See *Bretuoſe*.

Lex deraimia, *rectius Deraifina*, Is the proof of a thing, which one denies to be done by him, and his Adversary affirms it; defeating and confounding the Assertion of his Adversary, and shewing it to be without and against reason or probability. *Iuris membrum est Normannici, quod in prisco ejusdem Custumario, ca. 126. sic definitur. Deraifina autem est Lex quædam in Normania constituta, per quam in simplicibus querelis, insecutus, fallum quod & parte adversa ei obicitur, se non fecisse declarat. Vide plura ibidem. & Dereyn.*

Lep gager. (Anno 1 Car. 1. ca. 3.) Wa- ger of Law. See *Law*.

Ley, (*Lex*) See *Law*.

Libel, (*Libellus*,) Literally signifies a little Book; but by use it is the original Declaration of any action in the Civil Law, *An. 1 Hen. 5.*

1 Hen. 5. ca. 3 & 2 Ed. 6. ca. 12. It signifies also a scandalous report of any man cast abroad, or otherwise unlawfully published in Writing; but then, for difference sake, it is called *famous libellus*, an infamous Libel. See *Cokes Rep. lib. 5. fo. 124, 125. & 3 Inst. fo. 174.* See *Rime.*

Libello habendo. See *Copia libelli delibera-*
randa.

Liber taurus, A free Bull. — *Compertum per Jur. quod Will. de Losa fuit sefitus de libero Tauro habendo in Hamsted, &c.* — Ideo consideratum est, quod prædictus W. recuperet damna sua, qua taxantur per Jur. ad ius s. pro imparcatione ejusdem Tauri, &c. Norf. 16 Ed. 1.

Liberat batella, A free Boat. — *Per liberam batellam, hoc est, babere unam cimbam ad piscand. subter pontem Cestria & supra Etonam, & ibidem cum omni genere retium. Plac. in Itin. apud Cestriam 14 Hen. 7.*

Liberat chasea habenda, Is a Writ judicial, granted to a man for a free chase belonging to his Mannor, after he has, by a Jury, proved it to belong to him. *Reg. of Writs judicial, fo. 36 and 37.*

Liberate, Is an original Writ, issuing out of the Chancery to the Treasurer, Chamberlains, and Barons of the Exchequer, or Clerk of the Hamper &c. for the payment of any annual pension, or other summe granted under the Great Seal; or to a Sheriff, to deliver possession of Lands and Goods extended. See *Broke tit. Tiale d' Exchequer, &c 4 Inst. fol. 116.*

Libertate probanda, Was a Writ that lay for such as were challenged for Slaves, and offer'd to prove themselves free, &c. *Fitz. Nat. Br. fo. 77.* Villenage, and the several appendices thereof, viz. Infranchisement, *Writs de Nativitate habendo & Libertate probanda*, and the pleadings and trials relating thereto, were great Titles in the old Books, but now antiquated by time. Pref. to *Rolls. Abridg.*

Libertatibus allocandis, Is a Writ, that lies for a Citizen or Burges, (that, contrary to his liberty, is impleaded) to have his privilege allowed. *Reg. of Writs, fo. 262.*

Libertatibus exigendis in itinere, Is a Writ whereby the King wills the Justices in Eyre to admit of an Attorney for the defence of another Mans liberty before them. *Reg. of Writs, fo. 19.*

Liberum Herbagium. See *Herbagi-um.*

Librata terra, Contains four Oxsangs, and every Oxsang 13 Actes. *Schem. verbo Bovala terra.* See *Fardingdeal.*

Licence to arise, (*Licentia surgendi.*) Is a liberty, or space of time given by the Court to a Tenant to arise out of his bed, who is espyed de malo letti, in a real action. See *Brotton, lib. 5. Tract. 2. ca. 7. 10 & 12.* And *Horns Mirror, ca. des Essoins.* *Licentia surgendi* is the Writ thereupon. *Reg. fo. 8.*

Licentia transfractandi, Is a Writ or Warrant directed to the keepers of Dover-

Port, &c. willing them to let such pass over-Sea, who have formerly obtained the Kings Licence thereunto. *Reg. of Writs, fo. 193.*

Licentia concordandi, (*Anno 12 Car. 2. ca. 12.*) See *Kings silver.*

Lidford Law, Is grown to a kind of Pro-verb, to hang men first, and to indite them afterwards; so called, from a Town of that name in Cornwall; where a Court is held, which was heretofore of great extent; the course whereof is very summary. The like being laid of Halifax in the County of York. *In folio C hang*

Lieutenant, or Lieutenant, (*Locum-te-nens.*) The Kings Deputy, He that exercises the Kings, or any other persons place, or represents his person: As the Lieutenant of Ire-land, *Anno 4 Hen. 4. ca. 6. and 2 & 3 Edw. 6. ca. 2.* whence that Officer seems to take his beginning. *Lieutenant of the Ordnance, Anno 39 Eliz. ca. 7.*

Life-rent, Is a Rent or Exhibition, which a Man receives either for Term of life, or for sustentation of life. *Nota quod Eschaeta terrarum felonis post annum & diem, (viz. his Life-rent,) ipso vivente computatur inter bona mobilia.* *Skenes ad Quon. Attach. ca. 18. ver. 5.*

Liges, and Liege-people, (*Ligati.*) The Kings Subjects, anciently so calied, because they owe, and are bound to pay Allegiance to Him. *Anno 8 Hen. 6. ca. 10. 14 Hen. 8. ca. 2. and divers other Statutes:* yet anciently private persons had their *Leiges.*

Reinaldus Dei gratia Abbas Ramesie, Praeposi-to & hominibus de Brancifore & omnibus viciniis Francie & Anglie salutem. Scatis me dedisse terram Ulf in depedone, (hodie Depedale) hunc Baselino & uxori eius Alfiae, ita bene fecit homines de Brancifore illum testificant verum habuissi, ea conditione quod effecti sunt homines Liges. Lib. Rames. Sect. 244.

*Omnibus, &c. Reginaldus Rex Insularum salu-tem. Scatis quod deversi homo ligus Domini Re-gis Anglia Iohannus contra omnes mortales quam-diu vixito, & inde ei fiduciam & sacramentum praefiti, Et in bujus rei testimonium baric cartam meam inde feci. T. Domino F. Wint. Episcopo. M. S. penes Wil. Dugdale Ar. See *Lige-ancy.**

Lierwit. See *Lairwife.*

Ligeancy, (*Ligantia.*) From the Ital. *Liga*, a League or Bond; *Vinculum articuli inter sub-datum & Regem utrosque invicem compliciti; hunc ad protectionem & justum regimen, illos ad tributa & debitam subjectionem.* Is such a Duty or Fealty, as no man may owe or bear to more than one Lord; and therefore it is most commonly used for that Duty and Allegiance which every good Subject owes to his *Lige-Lord* the King.

Soberaigne Lord, I Henry Percy became your Subgette and Lige Man, and promit to God and you, that hereafter I Faith and Trouth shall bear to you, as to my Soberaign Leige Lord, and to your Heirs Kings of England of life and limme, and of earthly worshippe, for to live and die ageing

apeint all earthly People, and to You and to Your Commandements I shall be obesant, as God me help and his Holy Evangelists. 27 Oct. 9 Ed. 4. Claus. 9 Ed. 4. m. 13. in dorso. See Lieges.

Ligeance, (*Ligeancia & Ligando,*) Is a true and faithful obedience of the Subject to his Sovereign. Sometimes it signifies the Dominion or Territory of the *Lige Lord*. As Anno 25 Ed. 3. Stat. 2. **Children born out of Ligeance of the King.** Also the same with *Ligeancy*. See Coke on *Litt.* fo. 129 a. and *Calvins Case*. 7. Rep.

Limitation of Aſſize, (*Limitatio Aſſize*) Is a certain time set down by Statute, wherein a Man must allege himself or his Ancestor to have been seized of Lands sued for by a Writ of *Aſſize*. See the Stat. of Merton, ca. 8. and Westm. 1. ca. 38. So it is used in *Old Nat. Br.* fo. 77. in these words, *The Writ de Confutacionibus & servitiiis lyeth, where I or my Ancestors, after the limitation of Aſſize, were not seized of the Customs, &c. But before the limitation of Aſſize we were seized, &c.*

Linarium, A place where Flax is sown, a flax-plat. — *Et messuagium quod est juxta cimiterium, cum linario, quod jacet juxta predium Messuagium.* Pat. 22 Hen. 4. Par. 1. m. 33.

Littera, As tres Carectatas Litteræ, three Cartloads of Straw or Litter. Mon. Angl. 2 Pay. fo. 33 b.

Liberty, (from the Fr. *Livre*, i. *Insigne, Gestamen,*) Signifies a Hat, Coat, Cloak or Gown, which a Noble or Gentleman gives to his servants or followers, with cognizance or without, and is mentioned in 1 Rich. 2. ca. 7. and 3 Car. 1. ca. 4. and divers other Statutes. See *Retainer*. Also, before the Stat. of 12 Car. 2. ca. 24. it did signify a delivery of possession to those Tenants which held of the King in Capite, or Knights-service; for, the King, by his Prerogative, had *primier seisin*, or the first possession of all Lands and Tenements so holden of him. *Stamp. Prayrog.* ca. 3. fo. 12. it was in the nature of a Restitution, says Sir Edward Coke. And the Writ which lay for the Heir to obtain the possession or *seisin* of his Lands at the Kings hands, was called his *Livery*. *Fitz. Nat. Br.* fo. 155. but by the said Statute all Wardships, Liveries, &c. are taken away and discharged.

Liber of seisin, (*Deliberatio seisina,*) Is a delivery of possession of Lands, Tenements, or other corporeal thing, (for, of things incorporeal no *Livery* of *seisin* may be) to one that has right, or a probability of right thereto. For, (as Brafton says, lib. 2. ca. 18. num. 3.) *Traditio debet esse vestita, & non nudata.* It is a Ceremony used in conveyance of Lands or Tenements, where an estate in Feesimple, Feftayl, or a Freehold passeth; And, it is a testimonial of the willing departure of him, who makes the *Livery*, from the thing whereof *Livery* is made. And the receiving of the *Livery* is a willing acceptance by the other party of all that where-

of the other hath divested himself. The common manner of delivery of *Seisin*, is thus: If it be in the open Field, where is no House, nor building, and if the estate pass by Deed, one openly reads it or declares the effect of it, and after that is sealed, the Vendor takes it in his hands, with a clod of Earth upon a twig or bough, which he delivers to the Vendee, in the name of Possession or *Seisin*, according to the effect of the Deed: But if there be a House or Building upon the Land, then this is to be done at the door of it, (none being left at that time within the house) and the Ring of the door delivered to the Vendee, who enters alone, shuts the door, and presently opens it again. If it be a House, without Land or Ground, the *Livery* is made, and Possession taken by delivery of the Ring of the door, and Deed only. And where it is without Deed, either of Lands or Tenements, there the party declares by word of Mouth, before witnesses, the estate he parts with, and then delivers *Seisin* or Possession in manner aforesaid: And so the Land or Tenement passeth as well as by Deed, and that by force of the *Livery* of *Seisin*. See *West. par. 1. Symbol. lib. 2. sect. 196.* and *Coke on Litt.* fol. 48. a. This was anciently a Pair of Gloves, a Ring, Knife, Ear of Wheat, &c. was delivered in sign or token of *Livery* and *Seisin*.

Local (*Localis*) Tied or annexed to a place certain: As the thing is local and annexed to the Freehold. *Kitchin*, fol. 180. An Action of Trespass for Battery, &c. is transitory, not local, that is, not needful that the place of the Battery should be set down, as material in the Declaration, or if it be set down, that the Defendant should Traverse the place set down, by saying, he did not commit the battery in the place mentioned in the Declaration, and so avoid the Action. And again, fol. 230. the place is not local, that is not material to be set down in certainty, or that the Action should be tried or laid in the same County where the Fact was done. The gard of the person, and of the Lands, differs in this; because the person, being transitory, the Lord might have his *Ravishment de Gard*, before he was seized of him, but not of the Land, because it is local. *Perkins. Grants*, 30.

Locus Partitus, Signifies a Division made between two Towns or Counties, to make trial in, whether the Land or place in question lies. *Eleta, lib. 4. cap. 15. num. 1.*

Lode Ship, A kinde of Fishing Vessel, mentioned 31 *Edw. 3. stat. 3. cap. 2.*

Lodeworzh, One of the Works belonging to the Stannaries in Cornwall; for which, see *Stremeworks*.

Lodemerege. — Item en droit de Lodemerege diens les avanidis Jurez, que leur semblis cest casq; ils ne scayent meilleur advise ne remedy, mays que ce soit desore user & fast per maner quest conteyne en le Ley D'Oleron. *Pryns Animad.* on 4 Inst. fol. 116.

Logating,

Logating, An unlawful game, mentioned 23 Hen. 8. cap. 9. now disused.

Logwood, Is a kinde of Wood, which diversite, otherwife called *Black-wood*, brought from *Compeche*, and other remote parts, and was prohibited by Stat. 23 Eliz. cap. 9. and 39 c. iusdem, cap. 11. But since by Stat. 14 Car. 2. cap. 11. the importation and use of it is allowed.

Loch or Louch Fish. (31 Edw. 3. stat. 3. cap. 2.) And that no Fish called *Louch Fish*, be chosen or tried, but onely in thre parts, that is to say, *Lob*, *Ling*, and *Cod*.

Lollardy and Lollery (Anno 1. & 2. Phil. & Ma. cap. 6.) The Doctrine and Opinion of the *Lollards*. Rogerus Acton miles pro Productione & Lollardia dysrabatur & suspenderatur, & sic suspensus pendeat ad voluntatem Regis. Middlesex Plac. Hill. 1 Hen. 5. Rot. 7. & Trin. 2 Hen. 5. Rot. 6.

Lollards (so called from *Walter Lollard*, a German, First Author of this Sect, living about the year 1315.) Were certain Hereticks (at least, in the Opinion of those times) that abounded here in England in the days of Edward the Third, and Henry the Fifth, whereof *Wiccliff* was the cheif in this Nation, according to *Stow* in his *Annals*, fol. 425. They are mentioned Anno 2 Hen. 5. cap. 7. Against these *Lollards* much was decreed by *Tho. Arundel*, Archbishop of Canterbury, in a Council at Oxford. See their Tenets in *Spotswoods History of Scotland*, fol. 61. The High Sheriff of every County, is bound by his Oath, to suppress them.

—*You shall* (says the Oath) *do all your pain and diligence, to destroy, and make to cease all manner of Heresie and Errors, commonly called Lollardies, within your Bailiwick from time to time with all your power, &c.*

The intent of the Hereticks called *Lollards*, was to subvert the Christian Faith, the Law of God, the Church, and the Realm; so said the Statute of 2 Hen. 5. cap. 7. which was repealed 1 Edw. 6. cap. 12. See 3 Inst. fol. 41. and *Caudries Case*.

Lord (*Dominus*, *Sax. Hlaford*, signifying a Bread-giver, Bountiful, or Hospitable) Is a word of Honor with us, and used diversly. Sometimes being attributed to those, who are noble by Birth or Creation, and are otherwise called *Lords of the Parliament*, and *Peers of the Realm*; sometimes to those, who are so called by the curtesie of *England*, as all the Sons of a *Duke*, or *Marquess*, and the eldest Son of an *Earl*. Sometimes to Persons, Honorable by Office, as *Lord Chieff Justice*, &c. And sometimes to an Inferior Person that hath Fee, and consequently, the Homage of Tenants within his Mannor; for by his Tenants he is called *Lord*, and in some places, for distinction sake, *Landlord*. In which last signification, it is most used in our Law-Books, where it is divided into *Lord Paramount*, and *Lord Mesn*. *Lord Mesn*

is he that is owner of a Mannor, and by vertue thereof hath Tenants holding of him in Fee, and by Copy of Court-Roll; and yet holdshimself of a Superior Lord, called *Lord Paramount*, or above him. *Old Nat. Br.* fol. 79. We likewise read of *Very Lord*, and *Very Tenant*. *Very Lord* is he, who is immediate Lord to his Tenant; and *Very Tenant*, he that holds immediately of that Lord. So that if there be *Lord Paramount*, *Lord Mesn*, and *Tenant*; the *Lord Paramount* is not *very Lord* to the *Tenant*. *Broke tit. Heriot*, num 1.

Lord in Gross, Is he who is *Lord*, not by reason of any Mannor, as the King in respect of his *Crown*. *Fitz. Nat. Br.* fol. 3. and 8. where also is a Case wherein a private person is a *Lord in Gross*. As a Man makes a Gift in Tail of all the Land he hath, to hold of him, and dies; his Heir hath but a *Seigniory* in *Gross*.

Loziners or Lozimers (Fr. *Lormier*; from the Lat. *Lorum*) Is one of the Companies of *London*, that make Bits for Bridles, Spurs, and such like small Iron ware. *Anno 1 Ricb. 2. cap. 12.*

Lot or Loth, Is the thirteenth Dish of Lead, in the *Darbyshire* Mines, which belongs to the King, *Pro dominio suo*. —*Presentatum est in Ragmannus per 12 de Alto Pecco, quod Rad. de Wyne fecit quandam Purprefuram in solo Domini Regi in Tatington & Prestclive, faciendo mineralm plumbi, unde Rex solebat percipere le Lot mineralis, i. Tertium decimum vas, &c. Rot. Rageman & de quo Warranto de Itin. de Derbi. 9 Edw. 1. —Et de minerala lucrata in bujusmodi opere in feodo Domini Regi, Dominus Rex habebit pro Dominio suo tertium decimum discum, qui dicitur le Loth.* Eschaet de Anno 16 Edw. 1. num. 34. See *Cope*.

Lotherwit alias Legerwit, Is a Liberty or Priviledge, to take amends of him that defiles ones Bond-woman without Licence. *Rastals Exposition of Words*. According to others, it is an amends for lying with a Bond-woman. See *Lairwit*. Some think it should be rather written *Legerwit*, for *Legep* in Saxon, signifies a Bed; or *Lecherwite*, a mulct or punishment for *Lechery*.

Lourgulary (Fr. *Lourderie*, i. *Inhumanitas, incivilitas*) In *Statuto pro stratis London. impresso Anno 1573. Art. 45.* Casting any corrupt thing, appoisoning the Water, is *Lourgulary* and *Felony*; some think it a corruption of *Burglary*. See *Glossar. in decim Scriptores, verbo, Burglaria*.

Lowbellers (Anno 23 Eliz. cap. 10.) Are such as go with Light and a Bell, by the sight whereof, Birds sitting on the Ground, become somewhat stupified, and so are covered with a Net, and taken. This name is derived from the word *Low*, which, in the Saxon, or old English, signifies a *Flame of Fire*. See the *Antig. of Warwickshire*, p. 4.

Lushboroz or Lushburgs, Was a base sort of Money coyned beyond Seas, to the likenes of English Money, in the days of *Edward the Third*, and brought in, to de-ceive,

ceive the King and his People. To avoid which, it was made Treason, for any Man wittingly to bring in any such. *Anno 25 Edw. 3. stat. 4. cap. 2. 3 Part Inst. fol. 1.*

M.

M. Every Person convicted for Murder, *(Man-slaughter)* and admitted to the benefit of his Clergy, to be marked with an *M.* upon the Brawn of the Left-thumb. *Anno 4 Hen. 7. cap. 3.*

Macegrieſſ alias **Macegrefſ** (*Machecarii*) Are ſuch as willingly buy and ſell ſtoin Fleſh, knowing the ſame to be ſtoin. *Britton. cap. 29.* In turnis *Vice-com.* 12. *Juratores*, inter alia, preſenterent — *De Macegrieſſ achatauſi & vendauſi a eſcien tchars embleſ.* Cromptons Justice of Peace, fol. 193. a. *Vide LL. Ine cap. 20. de carnem furtivam emente.*

Madning-money: Old Roman Coyns, ſometimes found about Dunſtable, are ſo called by the Country people; and retains the name from *Magnatum* ued by the Emperor *Antonine* in his *Itinerary for Dunſtable. Cam.*

Maeremium, Is derived from the Old Norman word *Marisme*, for Timber.

*Rex — dicit — Roger de Horſley Conſtabulo Caſtri ſui de Baumburg ſalutem. Mandamus
wobiſ quod homines partium prediſt. nuper in Caſtro pradiſio proſalvatione Corporum & verum ſuarum contra aggrefſus Scotorum commorantes,
Maeremium de legiſ ſuī, nec non bona & catalla ac viuſtua ſua in eodem Caſtro, & in Foffato & Mota ejusdem exiſtentia, ſine impedimento, capere & cariare, & quo voluerint aſportare, permittatiſ, &c. I. Rege apud Corwuk. 12 Junii. Claſſ. 16 Edw. 2. m. 3.*

Magbote or Magbote. (From the Sax. *Mag*, i. cognatus, & bote compensatio) A recompence for the ſlaying or murder of ones Kinſman. For anciently, in this Nation, Corporal punishments for Murder, and other great offences, were ſometimes tranſituted into pecuniary Fines, if the Friends of the party slain, were ſo content. *LL. Canuti Regi, Par. 1. cap. 2.*

Magna Aſſiſta Eligenda, Is a Writ di-reſted to the Sheriſſ, to ſummon four lawful Knights before the Juſtices of *Aſſiſe* there, upon their Oaths, to chufe Twelve Knights of the Vicinage, &c. to paſſ upon the Great *Aſſiſe*, between *A.* Plaintiff, and *B.* Defendant. *Reg. of Writs, fol. 8. a.*

Magna Charta, The Great Charter, Granted in the Ninth year of Henry the Third, and confirmed by Edward the First, and other Kings. The reaſon why it was ſo termed, was either for the excellency of the Laws and Liberties therein contained, or else, because there

was another *Charter*, called the *Charter of the Forest*, established with it, which was the leſſer of the two; or, because it contained more then many other Charters, or more then the *Charter of King Henry the First*. Or in regard of the Wars and great troubles in the obtaining of it, or the great and remarkable solemnity, in the denouncing Excommunication and direful *Anathema's* againſt the infringers of it. See *Spelman's Gloſſ*, on this word at large, who calls it *Augustissimum Anglicarum libertatum diploma & sacra Anchora*. So Edward Coke ſays, It is *Magnum in Pareo*, and that it hath been above thirty times conſirmed. *On Littl. fol. 81.*

Mahim (*Mabemium*) from the Fr. *Mebaigner, i. mutilare*) Signifies a Corporal hurt, whereby a Man lofeth the ufe of any Member, that is, or may be any defence to him in Battel: As the Eye, the Hand, the Foot, Scalp of the Head, Foretooth, or, as ſome ſay, any Finger, or Toe. *Glanvil. lib. 14. cap. 7.* See *Braſſon* at large, *lib. 3. trah. 2. cap. 24. num. 3.* The cutting of an Ear or Nose, or breaking the hinder Teeth, is no *Mahim*; because it is rather a de-forming the Body, then a diminishing its strength: And when the caſe is difficult to judge, whether it be a *Mahim*, or not, the Judges commonly behold the party wounded, and ſometimes take the opinion of ſome able Chirurgeon. The Canonifts call it *Membri Mutilationem*. All agree, that it is the loſs of a Member, or the uſe thereof. See *Skene, verbo, Machanum.*

Maiden Rents, Is a Noble paid by every Tenant in the Mannoſ of *Buith* in *Com. Radnor*, at their Marriage, and it was anciently given to the Lord for his quitting the Custom of *Marcheta*, whereby ſome fancy, That he was to have the firſt Nights Lodging with his Tenants Wife: But I rather ſuppoſe it be a Fine for the Licence to marry a Daughter. Sir Edm. Sawyer is now Lord of this Mannoſ. See *Marcheta.*

Maignagium (from the Fr. *Maignen, i. Faber ararius*) A Brasiers-shop. *Idem Hugo te-nebat unum Maignagium in foro ejusdem ville, &c. Lib. Rames. feſt. 265.* See *Cotland*. Though *4 Inst. fol. 338.* confounds *Managium* with *Meſagium*.

Matle, Anciently a kinde of Money. *Eſiam latius accipitur, nec tantum pro denariis pluri-bus, ſed & portione aliqua rei frumentaria vel annonaaria; hoc verò in plaga Anglia Borealis Blackmaile dicitur, ut pecuniarium illa diſtingua-tur. Inquis. capta post mortem Wil. de Coway, Anno 20 Edw. 3. n. 63. Lanc. Eſt in Ilverton quoddam proficiuum vocat Gſſinales, & quad-dam proficiuum apud Plumpton, vocat. Cow-male. Spel. See Blackmaile.*

Mainour, Manour, or Meinour (from the Fr. *Manier, i. manu trattare*) Signifies the thing that a Theiſ takes away or steals. As, to be taken with the *Manour* (*Pl. Cor. fol. 179.*) Is to be taken with the thing ſtoin about him. Again, *fol. 194.* it was preſented, that a Theiſ was de-livered

livered to the Viscount together with the Manour. And again, fo. 149. If the Defendant were taken with the Manour, and the Manour be carried to the Court, they in ancient times would arraign him upon the Manour, without any Appeal or Inditement.

Si ditti Servientes seu Balivi sui aliquem latronem pro aliquo furto ubicunque fuerit facto, cum Mannopere, infra feudum Dominii sui prædicti reperint seu attach. Si illo latro feloniam illam coram quatuor villat. voluntarie cognoverit, tunc habeat dictis Servientibus seu Balivi suis dictum latronem decollare, & dictu Dux, (Lanc.) tunc habebit omnia bona sua, &c. Plac. apud Cestriam, 31 Ed. 3. de Quo War. in Maner de Halton. In Old Nat. Br. fo. 110. it is thus used. where a Man makes a thing by Manour, or levying or estoping, in such case he shall have Assise, where it signifies handy-labour, and is but an abbreviation of Mainuery.

Mainpernable, Bailable. What Prisoners are Mainpernable, and what not. Anno 3 Edw. 1. ca. 15. See Mainprise.

Maine porze, Is a small tribute, (commonly of Loaves of Bread,) which in some places the Parishioners pay to the Rector of their Church, in recompence for certain Tythes. See Waxholt. Vicaria de Wragby, (in Com. Linc.) consistit in toto Altarago & in Ceragio, vulgariter dict. Waxholt in panibus vulgariter dict. Wampot, & in incremento denariorum. Sancti Petri, vulgariter dict. FirehARTH. Spelman.

Mainprise, (Manucaption,) of the Fr. Main. i. Manus & Prins. i. Capius,) Signifies the taking or receiving a Man into friendly custody, who otherwise is, or might be committed to Prison, upon security given for his forthcoming, at a day assigned. As to let one to Mainprise, (Old Nat. Br. fo. 42.) Is to commit him to those that undertake his appearance at the day appointed. And they, that thus undertake for any, are called Mainpernors; because they receive him into their hands. Pl. Cor. fo. 178. Hence the word Mainpernable, that may be thus bailed; For, in many cases a Man is not Mainpernable, whereof see Brook, tit. Mainprise. And Fitz. Nat. Br. fo. 249.

Manwood, (in his 1 Par. For. Laws, pa. 167.) makes a great difference between Bayl and Mainprise; For, he that is Mainprised, is already said to be at large, and to go at his own liberty, after the day he is set to Mainprise, until the day of his appearance; But, not so, where a Man is let to Bayle to four or two men, by the Lord Justice in Eyre of the Forest, or any other Judge, until a certain day; For, there he is always accounted by the Law to be in their ward and custody for the time; And they may, if they will, keep him in Prison all that time. So that, he that is so bailed, shall not be said by the Law, to be at large, or at his own liberty. Thus Manwood.

Mainprise also is an undertaking in a sumin certain: Bail answers the condemnation in Ci-

vil Causes, and in Criminals body for body. Cottoni postuma.

When Mainprises may be granted, and when not, see Cromptons Justice of P. fo. 136. and Bristol, fol. 73. The Author of the Mirror of Justices fayes, that Pledges are those, that Bail or redeem any thing but the body of a Man, and Mainpernors those, that free the body; That pledges therefore belong properly to real and mixt Actions, and Mainpernors to personal. lib. 3. ca. des Pledges & Mainpernors. See 4 Inst. fo. 179.

Mainsworn, in the North, signifies as much as Forsworn. Brownl. Rep. 4. Hob. rep. 8.

Maintainor, (Anno 19 Hen. 7. ca. 14.) Is he that maintains or seconds a Cause depending in Sute between others, either by disbursing Money, or making Friends for either party, towards his help.

Maintenance, (Manutententia) Signifies the upholding or maintaining a Cause or Person, either by Word, Writing, Countenance or Deed; Metaphorically taken from the succoring a young Child that learns to go by ones hand; and is used in the evil part. Anno 22 Hen. 8. ca. 9. When a Mans Act in this kind is by Law accounted Maintenance, and when not. See Brooke, tit. Maintenance and Kitchin, fo. 202. There lies a Writ against a Man for this offence, called a Writ of Maintenance. See Coke on Litt. fo. 368. b.

Maison dieu, (Fr.) An Hospital, or Alms-houise. See Meason dieu.

Make, (Faccere,) Signifies to perform or execute; as to make his Law, is to perform that Law, which he has formerly bound himself unto, that is, to clear himself of an Action commenced against him, by his Oath, and the Oathes of his Neighbors. Old. Nat. Br. fo. 267. Kitchin, fo. 192. Which Law seems to be borrowed of the Feudists, who call those Men that swear for another in this Case, *Sacramentales*. The formal words used by him that makes his Law, are commonly these: Hear, O ye Justices? that I do not owe this summe of Money demanded, neither all, nor any part thereof, in Manner and Form declared: So help me God, and the Contents of this Book. To make Services or Custom, is nothing else but to perform them. Old Nat. Br. fo. 14.

Malediction, (Maledictio,) A Curse, which was of old usually annexed to Donations of Land, made to Churches and Religious Houses. —*Si quis autem (quod non optamus) banc nostram Donationem infringere temptaverit, perpeccus sit gelidus glaciarum flatibus & malignorum Spirituum; terribiles tormentorum crucias evassis; non quiescat, nisi prius in riguis penitentie gemitibus, & pura emendatione emendaverit. Carta Regis Athelstani Monast. de Wiltune.* Anno 933.

Again — Belial si quis filius carissimam banc jure meo conscriptam inimicis zelo corrumpare desideraverit, si non dubitet, a cunctis regni mei servientibus, deo nunc & tunc & usque in sepius ternum

ternum abdicatum & excommunicatum sine fine cruciandum, unde post mortem a Tartariis raptus Ministrii, in profundum pestifera mortis inferni flammigera concludetur in Domina Gibide in quan-dam ullam Vulcani, ligatis proscriptis membris, que affidice bullente pice repleta esse testatur; & a talibus frangentibus sea minuentibus intollerabilissime, atrociterque, absque alia misericordia sentitur; nisi hoc ante mortem penitentia lamen-tum emenda-terit. Carta Eadredi Regis. Mon. Angl. 2 Par. fo. 867.

Quod si forte post bac aliquis bare-dum meorum de his Eleemosynis a praefata Ecclesia aliquid absulerit, ex ore meo in conspectu Dei sit ille maledictus, & in tremendo Iudicio, nisi respurrit, condemnatus; Amen. Carta Roberti Camerarii Comitis Richmunde, in Biblio. Cotton.

Malefesance, (From the Fr. Malfaire, i. To offend, or transgres) A doing of evil, a transgressing. Crokes Rep. a Par. fo. 266.

Maletent, or **Maletolte**, (Fr. Maletoſe,) (i. Malum vel indebitum Telenium,) In the Statute called the Confirmation of the Liberties, sec. Anno 25 Edw. 1. ca. 7. Is interpreted to be a Toll of 40 s. for every sack of Wool. Stow in his Annals calls it a Maletot, fo. 461. See the Stat. de Tallagio non concedendo, Anno 25 ejusdem. Nothing from henceforth shall be taken of Sacks of Wool, by color of occasion of Maletent. In France they had an extraordinary Tax called Maletoſe.

Malin. See **Mairle**.

Malbeis prouozg, in Art. super Chartas, ca. 10. Is understood of such as use to pack Juries by nomination, or other practise or procure-ment. 2 Inst. fo. 561.

Manbote, (Sax. Man-boꝝ,) A recompence for Homicide, or a compensation due to the Lord, for the slaughter of his Man, or Vassal. Manbote vero, i. compensatio Domino persolvenda pro homine suo occiso) Anglorum lege Regi & Archiepiscopo tres Marcus de hominibus eorum propriis: sed Episcopo ejusdem Comitatus & Consuli & dapifero Regi virginis solidos, Baronibus autem alias decem solidos, &c. Spel. de Concil. Vol. I. fol. 622. See Horreden parte poster. annal. fo. 344. & Bote.

Manca, (Charta Regis Eadgari Eccles. Sancti Pauli, Anno 867. Indictione 15.—cum lato digno pretio. i. lx. Mancas in auro purissimo,) was a square piece of Gold, commonly valued at 30 pence; & Mancusa, was as much as a Mark of Silver. Notes upon Canutus Lawes. (id est, Manucusa, Coyned with the hand.)

Manciple, (Manceps — A Clerk of the Kitchin, or Caterer,) An Officer anciently so called in the Inner-Temple now he is called Steward there; & still in Colleges, of whom Geoffrey Chaucer, our ancient Poet, and a Student in this House, thus

A Manciple there was in the Temple,
Of which all Catours might taken
(temple).

Mandamus, Is a Writ that lay after the year and day, where, in the mean time, the

Writ called Diem clausi extremum had not been sent out to the Escheator. Fitz. Nat. Br. fo. 253. b. See Diem clausi extremum. Mandamus was also a charge to the Sheriff to take into the Kings hands, all the Lands and Tenements of the Kings Widow, who, against her Oath formerly given, Married without the Kings consent. Reg. fo. 295. b. See Widow.

Mandatary, (Mandataris,) He, to whom a Commandement or Charge is given. Also he that comes to a Benefice by a Mandamus.

Mandate, (Mandatum,) Is a Commandement judicial of the King or his Justices, to have any thing done for the dispatch of Justice, whereof you may see diversity in the Table of the Register Judicial, on this word. The Bishops Mandat to the Sheriff, Anno 31 Eliz. ca. 9.

Manentes, Was anciently used for Tenentes, or Tenants. Concil. Synodal. apud Clovesho. Anno 822. Also Manses, or Hides of Land. Cressy's Ch. History, fo. 193.

Manning, (Manopera,) A dayes Work of a Man; in some ancient Deeds I have seen referred so much Rent and so many Mannings.

Manor, (Manerium a Manendo, of abiding there; because the Lord of it did usually reside there,) Est feodum nobile partim vassallis (quos Tenentes vocamus) ob certa servitia concessum; partim Domino in usum Familia sua, cum jurisdictione in vassallos, ob concessa prædia reservatum. Quæ vassalis conceduntur terræ dicimus tenementales, quæ dominò reservantur dominicales. Totam vero feodum dominium appellatur, olim Baronia; unde Curia quæ huic prædicti jurisdictioni bude Curia Baronis nomen retinet.

Touching its original, There was antiently a certain compas of Ground, granted by the King to some Baron, or such like man of worth, for him and his heirs to dwell upon, and to exercise some jurisdiction, more or les, within that circuit, as he thought good to grant; performing him such services, and paying such yearly rent for the same, as he by his grant required; and, that afterward this great Man parcelled his Land to other meaner Men, enjoying them again such services and rents, as he thought good; and by that means, as he became Tenant to the King, so the inferiors became Tenants to him. See Perkins. Reservations. 670. and Horns Mirror of Justices, lib. 1. ca. du Roy Alfred. In these dayes a Manor rather signifies the jurisdiction and Royalty incorporeal, than the Land or seite: For, a man may have a Manor in Gross, that is, the right and interest of a Court Baron, with the Perquisits, and another enjoy every foot of the land belonging to it. Kitchin, fo. 4. Braston, lib. 5. Tratt. 5. ca. 28. nu. 1. See Fee. A Manor may be compounded of divers things, as of a House, Arable Land, Pasture, Meadow, Wood, Rent, Advowzen, Court-baron, and such like. And this ought to be by long continuance of time, beyond mans memory; For, at this day, (as some hold) a Manor cannot be made, because a Court-Baron cannot be made, and a Manner cannot

cannot be without a Court-Baron, and two fui-
ters at least.

Manpgarnon. Will. Walcote tenet Man-
orium de Adington in Com. Surz. per servitium in-
veniendi, ad Coronationem Regis, quoddam Pot-
gium, vocat. **Manpgarnon.**

Mansion, (Manio, a Manendo,) A dwel-
ling house, a Country habitation; most com-
monly used for the Lords chief dwelling Houſe
within his Fee; otherwise called the Capital
Messuage, or the chieft Manor-place. See *Skene*,
verbo, *Mansu*. The Latin word *Mansia*, in
the Charter, granted by King *Eduardus* to
Ruchin, Abbot of *Abingdon*, and mentioned
by Sir *Edward Coke* in his Report de *Fure Re-
gis Ecclesiastico*, seems to signify a certain quan-
tity of Land. *Hida vel Mansia*. Mat. Westm.
in Anno 857. And in a Charter of *Edw. Conf.*
it is written *Mansa*. v. *Hist. of Pauls*, fo. 189.

Mansura & Mansura, Are used in Domes-
day and other ancient Records, for *Mansiones*
vel habitacula villicorum; But in *carta de Annu-
i Edw. 3. n. 3.* we read — *de tribus mansuris*
terre in Wigornia — quare.

Manslaughter, (Homicidium,) Is the un-
lawful killing a Man without prepense malice;
as when two meet, and, upon some sudden oc-
casion falling out, the one kills the other. It
differs from *Murder*, because it is not done
with foregoing malice; and, from *Chancemad-
ley*, because it has a present intent to kill; and
this is *Felony*, but admits Clergy for the first
time. *Stamf. pl. Cor. lib. 1 ca. 9.* and *Britton*,
ca. 9. It is confounded with *Murder* in the
Stat. 28 *Edw. 3. ca. 11.*

Mansus, Anciently a Farm. *Soldens Hist.*
of *Tyber*, pa. 62. *Mansus* pert. *act. fo. 169.*
Hac Indentura testatur, quod Reginaldus Grey
*Dominus de Hastings, Weisford & de Rutbin tra-
didit Iohanni Saunders — Manum Manerii de*
Bedworth, &c. dat. 18 Hen. 6. Here Mansum
Manerii is used for the Manor House, or
Manor-Place. Mansum capitale dicitur de
adibus Domini Manerii, quae aulam vulgo nuncupant. *Mansum* or *Mansus* is sometimes con-
founded with *Mesuagium*. *Spelman*.

Manubrium, The handle, or haft of a
Sword or Dagger. — *Iur. præsentiam quod A.*
*de C. Aurifaber 2 Junii 2 Iac. apud S. prædi-
quoddam Manubrium pugnios ferreum, An-
glice dñum, A Dagger hilt of Iron, &c.*
Apud Maidston.

Manucaption, Is a Writ that lies for a Man,
who, taken on suspicion of Felony, and offer-
ing sufficient Bayl for his appearance, cannot be
admitted thereto by the Sheriff, or other having
power to let to Mainprise. *Fitz. Nat. Br. fo.
249.* See *Mainprise*. How diversely it is used
see the Table of Reg. of Writs. And *Pryns*
Animadversions, fo. 268.

Manuel, (Manuel,) That whereof pre-
sent profit may be made, or that is employed
or used by the hand. *Stamf. Prærog. fol. 54.*
As such a thing in the *Manuel occupation* of one.
i. Actually used, or employed by him.

Manumission, (*Manumissio*) Is the freeing
a Villain or Slave out of bondage. The form
of this in the time of the Conqueror, Lamb:
in his *Archai*, fo. 126. sets down in these
words, *Si quis velit servum suum liberum fa-
cere, tradat cum vicecomiti per manum dextram,*
in pleno comitatu & *quicunque illum clamare debet*
a jugo servitutis sua per manumissionem, & *osten-
dat ei liberas portas & vias*, & *tradat illi libera ar-
ma, scilicet lanceam & gladium*, & *deinde liber
bomo efficietur*. Some also were manumitted by
Charter. Vide *Brooke tit. Villenage*, fo. 303.
Another way of *Manumitting*, was, for the
Lord, to take the Bondman by the Head, and
say, *I will that this Man be Free*, and then shove
him out of his hand. There was also *Manu-
mission* imply'd, as when the Lord made an Ob-
ligation for payment of Money to the Bond-
man at a certain day, or sued him, where he
might enter without Sute, or the like. See *Neif.*

EDWARDUS Dei Gratia, Rex Anglia &
Francia & Dominus Hibernie, Omnibus ad
quos presentes Literæ nostra pervenerint, Salutem.
Sciatis quod nos ex gratia nostra speciali & ex
mero motu nostro Manu inifimus & ab omni jugo
servitutis liberamus Johannem Dedwiche de Orleton
in Com. Heref. Husbandman, & William
Dedwiche de eadem Husbandman Nativos nostros
**de Mancio sive Dominio nostro de Orleton pra-
dicti. Cum omnibus bonis & catallis suis & tota**
**eorum sequela & progenie de eorum corporibus pro-
creatis sive procreandis. Ita quod nec Nos nec**
**bereches nec Successores nec Assignati nostri ali-
quod Iuris vel clamorie alicuius Villenagi in**
**eiusdem Johanne & Willielmo seu de eorum pro-
genie procreatis sive procreandis, seu de bonis &**
**Catallis suis exigere vel vendicare poterimus in fu-
turo, &c. In cuius rei testimon. has literas nostras**
**sub sigillo nostro Comitis nostra Marchia fieri feci-
mus Patentes. Dat. vicecum. die Mensis Aprilis**
**anno regni nostri octavo. Ex ipso autographo pe-
nes Johan. Colman Gen. locus sigil. i.**



Manupastus. Sæpe obvenit in forensi dia-
lecto, pro famulo & serviente Domestico. Spelman. — Erat culpabilis tanquam de Manupasto (Manwood, cap. 16. n. 6.) i. He shall be cul-
pable, as of a thing done by one of his family.
Gloss. in x. Scriptor.

Manutenentia, Is a Writ used in case of
Maintenance. Reg. of Writs, fol. 182. & 189.
See Maintenance.

Manworth (Sax. *Manypyn*) The price or
value of a Mans Life or Head; every Man,
according to his degree, being rated at a cer-
tain price, according whereunto, satisfaction
was, of old made to his Lord, for the killing
him.

Marches (*Marchia*) Are the Bounds and
Limits between us and *Wales*, or between us
and *Scotland*. Anno 24 Hen. 8. cap. 9. Which
last are divided into *West* and *Middle Marches*.
Anno 4 Hen. 5. cap. 7. and 22 Edw. 4. cap. 8.
The word is used in the Statute 24 Hen. 8. cap. 12.
generally, for the Precincts of the Kings Do-
minions; and may be derived from the Sax.
Meape, i. *Signum, nota, Character.*

Marchers, Were the Noblemen that lived
on the *Marches* of *Wales* or *Scotland*, who in
times past (according to *Camden*) had their pri-
vate Laws, like *Petty Kings*, which are now ab-
olished by the Statute 27 Hen. 8. cap. 26. Of
these *Marchers*, you may read Anno 2 Hen. 4.
cap. 18. — 26 Hen. 8. cap. 6. and 1 Edw. 6. cap.
10. where they are called *Lord Marchers*. See
also 1 & 2 Ph. & Ma. cap. 15.

Marchet (*Marchetum*) *Consuetudo pecuniaria in Mancipiiorum filiabus maritandis.* Bract. lib. 2. tit. 1. cap. 8. num. 2. *Merchetum vero pro filia dare non competit libero homini.* Extenta Mana-
neris de Wivenho, 18 Dec. 40 Edw. 3. & alia
13 Edw. 3. Anno Dom. 1230. Rich. Bur. tenet
unum *Mesuagium* — *Et debet Taligium, Seltam Curia & Merchet* hoc modo, quod si maritare voluerit filiam suam cum quodam libero homine
extra villam, faciet pacem Domini pro maritagio,
& si eam maritaverit alicui *Custumario Villa*, nil
dabit pro maritagio. This Custom is in divers
parts of *England* and *Wales*, as also in *Scot-
land*, and the Isle of *Gernsey*. See *Spelman*, at
large on it. Sir Edward Coke on *Litiū*, fol. 140.
says it is called *Marchet*, as it were a *Cbeto* or
Fine for *Marriage*. By the Custom of the
Manor of *Denever*, in the County of *Carmarthen*
(whereof Sir Edw. Rice is Lord) every Tenant
at the marriage of his Daughter, pays x s.
to the Lord, which in the British Language is
called *Gwabz Merched*, i. A Maids Fee.
See *Meiden Rents* and *Gwabz-merched*.

Marshal (*Marescallus*, from the Germ.
Marschals, i. *Equisum Magister*) With us
there are divers Officers of this name, the
chief is the *Earl Marshal of England*, men-
tioned Anno 1 Hen. 4. cap. 7. and in divers other
Statutes; his Office consists especially in mat-
ters of War and Arms, as well with us, as in
other Countries; as you may read in *Lupanus de Magistris Francie*, lib. 1. cap. *Marshal-
lus*.

The next is, the *Marshal of the Kings House*,
whose special authority is (according to *Bri-
ton*) in the Kings place, to hear and determine
all Pleas of the Crown, and Sutes between those
of the Kings House, and others within the
Verge, and to punish faults committed within
the Verge, &c. Cromp. Jurisd. fol. 102. Anno
18 Edw. 3. stat. 2. cap. 7. and other Statutes.
See more of this Office in *Fleta*, lib. 2. cap. 4.

There are other Inferior Officers of this
name, as *Marshal of the Justices in Eyr.* Anno
3 Edw. 1. cap. 19. *Marshal of the Kings Bench*
(Anno 5 Edw. 3. cap. 8.) Who hath the custody
of the Prison, called the *Kings Bench*, in
Southwark. I finde also in *Fleta*, lib. 2. cap. 15.
mention of a *Marshal of the Kings Hall*. There
is also a *Marshal of the Exchequer*, Anno 5
Hen. 3. stat. 5. to whom the Court commits
the custody of the Kings Debtors, for securing
the Debts. He also assignes Sheriffs, Customers,
and Collectors, their Auditors, before whom
they shall account.

Marshalle (*Marescalta*) Is the Court or
Seat of the *Marshal*; also used for the Prison
in *Southwark*, so called; the reason whereof
may be, because the *Marshal* of the Kings
House, was wont perhaps to sit there in Judg-
ment, or keep His Prison. See the Stat. 9 Rich.
2. cap. 5. And 2 Hen. 4. cap. 23.

Marriage (*Maritagium*) Signifies not onely
the lawful joyning of Man and Wife, but also
the interest of bestowing a Ward, or a Widow
in marriage. *Mag. Char.* cap. 6. And it signifies
Land given in marriage. Bracton, lib. 2. cap. 34.
& 39. See also *Skene* on the word *Maritagium*,
which (according to *Glanvil*, lib. 7. cap. 1.) Is
that portion which the Husband receives with
his Wife. See *Dower*.

Maritagio amissio per defaultam, Is a
Writ for the Tenant in Frank-marriage, to re-
cover Lands, &c. whereof he is deforced by
another. Reg. fol. 171.

Maritagio forisfacto. See *Forisfactura
Maritagi*.

Mark (*Merca*, from the Sax. *Meape*. i.
Signum) In ancient time I finde a *Mark* of
Gold was eight ounces. *Stow's Annals*, pag. 32.
A *Mark* of Silver is now well known to be 13 s.
4 d. *Char.* Reg. Job. de dote B. Reginae (quon-
dam ux. R. Ricardi). Paten. 3. Job. m. 17. n. 35.
*Assignavit ei pro dote sua milie marcas argenti
annuatim, 13 s. 4 d. computatis pro Marca.*

Marketzeld (*Rectius Markergeld*) — *Et
valent per an. le Streteward & le Marketzeld
xxviii s. & ob. in omni terra pertinente ad Honorem
de Hauton. Ex Cod. M. S. in Bibl. Coroniana.*
It signifies Toll of the Market. The word *Zeld*
importing a payment. I finde it elwhere
written *Marketghald*. Plac. apud Cestriam
37 Edw. 3.

Mark-peny, Was one penny paid at *Maldon*,
by those who had Pipes or Gutters laid, or
made out of their Houses into the Streets. *Hill.*
15 Edw. 1. Mr. Philips of *Purveyance*.

Market (*Mercatum*) Comes from the Fr.
Marché, i. *Emporium, forum nundinarium*, and
signifies

signifies the same thing with us; as also the Liberty or Priviledge whereby a Town is enabled to keep a Market. *Old Nat. Br.* fol. 149. So *Braeton* uses it, *Lib. 2. cap. 24. num. 6.* & *lib. 4. cap. 46.* where he shews, that one Market ought to be distant from another, *Sex leucas & dimidiam, & terciam partem dimidie.* By Stat. 27 Hen. 6. cap. 5. no Fair nor Market is to be kept upon any Sunday, nor upon the Feasts of the Ascension of our Lord, *Corpus Christi*, the Assumption of our Blessed Lady; *All Saints*, nor *Good Friday*; except for necessary victual, and in the time of Harvest.

Marle (*Marla*) Is a kinde of Earth or Mineral, which Men, in divers parts of this Realm, cast upon their Land, to make it more fertile. It is otherwise called *Malin*. *Anno 17 Edw. 4. cap. 4.*

Marlerium or Marletum, A Marlepit. *Sicut — quod ego Rogerus la Zouche dedi — Henrico de Hugefort & hereditibus suis, &c. — Et quod habent omnem libertatem & liberam communiam in boschis, in planis, in rivis, in semitis, in aquis, in molendinis, in bruaris, in turbariis, in quarrier. in piscari. in Marleris, & in omnibus aliis locis & aſſumentis ad pradiſum Manerium de Tonge spectan.* — *Et quod capiant Marlam pro voluntate sua ad terram suam inagland.* — *Reddendo inde annuatim mbi & hereditibus meis unum capellum Rosarum die Nativitatis S. Jo. Baptista, si in villa de Tonge fuerimus, si non ponatur super imaginem Beatae Mariae in Ecclesia de Tonge, pro omnibus servitiis — Sinc dat. penes Wil. Dugdale Arm. And in another Deed xx. *Acras terra Marlatas, Marled Lands.**

Marque (from the Sax. *Meajc, i. Signum*) Signifies in our ancient Statutes as much as *Reprisals*; as *Anno 4 Hen. 5. cap. 7.* *Marques and Reprisals* are used as *Synonima*, and *Letters of Marque* in the same signification. See *Reprisals*.

Marquis or Marquess (*Marchio, qui regonis limitem incolit*) Is a Title of Honor, next before an Earl, and next after a Duke. *Marchiones Wallie, viz. Rogerus de Mortuo-mari, Jacobus de Audeley, Rogerius de Clifford, Rogerius de Leyburn, Hamo Extraneus & ille de Turberville, cum pluribus aliis, qui de bello praedito de Lewes nuper fuderunt, &c.* Mat. Westm. in *Anno 1264. pag. 225.*

Marshal. See *Marshal*.

Martial Law, Is the Law that depends upon the just and arbitrary power, and pleasure of the King, or His Lieutenant in time of Wars. For, though the King does not, in time of Peace, make any Laws, but by consent of the Three Estates in Parliament; yet in Wars, by reason of the great dangers rising from small occasions, he useth absolute power, in so much, as His word goes for Law. *Smith de Repub. Angl. lib. 2. cap. 3.* See *Law of Arms*.

Mast (*Glans, Pessona*) *Glandis nomine continentur glans cæstacea, fagin, fucus & nuces,*

& alia queque que edi & pasci poterunt præter herbam. *Bracton, lib. 4. cap. 226.* See *Pessona*.

Master of the Rolls (*Magister Rotulorum*) Is an affilant to the Lord Chancellor of England, in the High Court of Chancery, and in his absence heareth Causes there, and gives Orders. *Crompt. Jur. fol. 41.* His title in his Patent is, *Clericus parca bagæ, Custos Rotulorum*; as also, *Dominus Conversorum*. Because the place where the Rolls of Chancery are now kept, was anciently the House for Habitation of those Jews who were converted to Christianity. But his Office hath that title from the safe keeping of the Rolls, of all Patents and Grants that pass the Great Seal, and of all Records of the Court of Chancery, &c. He is called *Clerk of the Rolls, Anno 12 Rich. 2. cap. 2.* And in *Foſteſcu, cap. 24.* And no where *Master of the Rolls* until 11 Hen. 7. cap. 20. And yet cap. 25. *Ejusdem*, he is also called *Clerk*. In which respect Sir Tho. Smith, *lib. 2. cap. 10.* says, He may not unlirtly be called *Custos Archivorum*. He hath the bestowing of the Offices of the Six Clerks, the Clerks of the Pettybag, Examiners of the Court, and the Clerks of the Chappel. *Anno 14 & 15 Hen. 8. cap. 1.* See *Roll*.

Master of the Mint (*Anno 2 Hen. 6. cap. 14.*) Is now calld the *Warden of the Mint*, whose Office is to receive the Silver of the Goldsmiths, and to pay them for it, and to oversee all the rest belonging to his Function.

Master of the Court of Wards and Liberties. Was the cheif Officer of that Court, named and assigned by the King; to whose custody, the Seal of the Court was committed, &c. *Anno 33 Hen. 8. cap. 33.* But this Court, with the Officers, and Appurtenances thereof, is abolished by 12 Car. 2. cap. 24.

Master of the Horse, Is he that hath the Rule and Charge of the Kings Stable, being an Office of high account, and always bestowed upon some Nobleman of great merit, and is mentioned *Anno 39 Eliz. cap. 7.* and 1 Edw. 6. cap. 5. This Officer under the Emperors of Rome, was called *comes sacri stabuli*.

Master of the Posts, Was an Officer of the Kings Court, who had the appointing, placing, and displacing of all such thorough England, as provided Post-horses for the speedy passing of the Kings Messages, Letters, Pacquets, and other busyness; and is mentioned *Anno 2 Edw. 6. cap. 3.* But now by Statute 12 Car. 2. cap. 34. One General Letter Office or Post Office is setled in London; the Master of which Office, is appointed by the King, by Letters Patent, with Rates and Rules prescribed in the said Act, for carrying Subjects Letters.

Master of the Armor, Is he that hath the care and over-sight of His Majesties Armor, and mentioned 39 Eliz. cap. 7.

Master of the Jewel House, Is an Officer in the Kings Houthold, of great credit, having charge of all Plate used for the King or Queens Table, or any great Officer in Court; and of all Plate remaining in the Tower of London, of Chains,

Chains, and loose Jewels, not fixed to any garment. *Anno 39 Eliz. cap. 7.*

Master of the Kings Household (*Magister Huius Regis*) Is otherwise called *Grand Master of the King's Household*, and is called *Lord Steward of the King's most Honorable Household*. *Anno 32 Hen. 8. cap. 39.* But *Primo Maris*, and ever since, he is called *Lord Steward of the King's Household*; under whom, there is a Principal Officer of the Household, called the *Master of the Household*, of great Authority as well as Antiquity.

Master of the Ordnance (*Anno 39 Eliz. cap. 7.*) Is a great Officer, to whose care all the King's Ordnance and Artillery is committed.

Masters of the Chancery (*Magistri Cancelleriae*) Are assistants in the Chancery to the Lord Chancellor, or Lord Keeper, and Master of the Rolls. Of these there are some Ordinary, and some Extraordinary; of Ordinary there are twelve, (whereof the Master of the Rolls is accompanied one) whereof some sit in Court every day throughout each Term; and have referred to them (at the Lord Chancellor's or Master of the Rolls discretion) the Interlocutory Reports for stating Accoupts, computing damages, and the like; taking of Oaths, Affidavits, and Acknowledgments of Deeds and Recognisances. The Extraordinary do act in all the Country Ten Miles from London, by taking Recognisances and Affidavits, Acknowledgments of Deeds, &c. for the ease of the Subject.

Master of the Kings Muskets, Is a Martial Officer in all Royal Armies, most necessary, as well for the maintaining the Forces compleat, well-armed, and trained, as also for prevention of such Frauds; as otherwise may exceedingly waste the Princes Treasure, and extreanly weaken the Forces, &c. mentioned *2 Edw. 6. cap. 2.* And *Muster-Master-General*. *Anno 35 Eliz. cap. 4.*

Master of the Wardrobe, (*Magister Garderobae*,) Is a great Officer in Court, having his habitation belonging to that Office, called the *Wardrobe*, near *Puddle-Wharf* in *London*. He has the charge and custody of all former Kings and Queens ancient Robes, remaining in the Tower; and all Hangings, Bedding, &c. for the King's Houses. He has also the charge, and delivery out of all Velvet or Scarlet allowed for Liveries, &c. Of this Officer mention is made *Anno 39 Eliz. cap. 7.*

Passura terræ, — *Sunt in eisdem masuris 60 Domus plus quam ante fuerunt. Domesday. In Fr. Masure de terre*, is a quantity of ground, containing about four Oxsangs.

Matter in Deed, and matter of Record, Differ thus, (according to *Old. Nat. Br. fo. 19.*) The first seems to be nothing else, but some truth, or matter of Fact to be proved, though not by any Record.

Matter of Record is that, which may be proved by some Record. For example, if a man be sued to an *Exigent*, during the time he was in

the King's Wars, this is *Matter in Deed*, not of *Record*: And therefore he that will allege this for himself, must come before the *Scire facias* for execution be awarded against him; for, after that, nothing will serve but matter of *Record*, that is, some error in the Process appearing upon the *Record*. *Kitchin, fo. 216.* makes also a difference between matter of *Record*, and a *Specialty* and *nude Matter*, this being not of so high a nature, as either matter of *Record*, or a *Specialty*, otherwise there called *matter in Deed*; Whereby it should seem, that *nude matter* is a naked allegation of a thing done, to be proved only by *Witnesses*, and not either by *Record*, or *Specialty* in Writing under Seal. *Cowel.*

Maugre, Being compounded of two French words, *Mal* and *Gre*. i. *Animo Iniquo*, Signifies with us, as much as in despight, or in despight of ones teeth. *As, the Wife maugre the Husband*, (*Littleton, fo. 124.*) that is, whether the Husband will or no.

Paund, (*Sax. Mans*,) A kind of great Basket, or Hamper (of Books, or other Merchandise,) containing eight Bales, or two Fats. *Book of Rates, fo. 3.*

Maxims in Law, Are the foundations of it, or certain Rules or Positions, which are the Conclusions of Reason, and ought not at any time to be impeached or impugned. As, it is a *Maxim*, that, *if a man have Issue, two Sons by divers venters, and the one of them purchase Lands in Fee, and die without issue, the other brother shall never be his heir*, &c. See *Coke on Litt. fo. 11.*

Mayor, (*anciently Meyr, from the British Wriet, 1. Custodire,*) The chief Magistrate of a City, as the Lord Mayor of London. *Rich. 1. (Anno 1189)* changed the *Bailiff of London* into a *Mayor*. And, by that example, King *John, Anno 1204*, made the *Bailiff of Kings-Lin* a *Mayor*, whilst the famous City of *Norwich* obtained not this Title for her chief Magistrate till *7 Hen. 5. 1419.* See more on this word in *Spelmans Glost.*

Meale-Rents, Are certain Rents still so called, but now payable in Money by some Tenants within the Honor of *Clun*, which heretofore were paid in *Meale*, to make *Meat* for the Lords Hounds.

Mean, (*Medius*,) Signifies the middle between two extremes, and that either in time or dignity. Example of the first; *his Action was mean, betwixt the Difficilis made to him and his recovery*; that is, in the interim. Of the second, there is *Lord, Mean or Mesne, and Tenant*.

Lords mean, mentioned in the Stat. of Amortizing Lands, made *tempore*, *Ed. 1.* See *Mesn.*

Mease, (*Mesuagium, Fr. Maison*,) A Measue, or dwelling House. *Stat. Hibernia, 14 Hen. 3. and 21 Hen. 8. ca. 13.* In some places corruptly called a *Mise*, and *Mise-place*. See *Mise* and *Mese*.

Mesne. See *Mesn.*

Meason

Measur due, (Fr. *Maison de Dieu*,) A House of God; a Monastery or Religious House. Hospitals are also so called in the Statutes, 2 & 3 Phil. & Mary, ca. 23. 39 Eliz. ca. 5. and 15 Car. 2. ca. 7.

Measure, (*Mensura*,) according to the 25th Cha. of May. Char. and the Stat. 17 Car. 1. ca. 19. all Weights and Measures in this Nation ought to be the same, and those too, according to the Kings Standard. See 4 Inst. fo. 273. & Mensura.

Measurer. See *Alneger*. — Also that William Norton, common Meter of Woolen Cloth, may be Sworn to occupy his Office of Measurage truly and indifferently upon pain, &c. Articles exhibited to the Lord Mayor of London, &c. by the Commons of the City, tempore Hen. 8.

Mēdfee, (Sax. *Meōfēoh*,) The *Sax. Dīlīt* says, It is a Bribe or Reward; but, it also signifies that Bote or Compensation, which is given in an exchange, where the things exchanged are not of equal value: As in 4 Ed. 3. Hugo de Courtenay, made an exchange by Deed with Richard Hanlake and Joan his Wife; and there is express'd — *Quod ipsi non dabunt Mēdfee*, from the word *Mēd*, which signifies a reward. See *Arrura*.

Mēdias linguis, Signifies an Enquest empaned upon any Cause, wherein a Foreigner or Stranger is party, whereof the one half consists of Natives or Denizens, the other strangers; and is used in Pleas, wherein the one party is a stranger, the other a Denizen. See the Stat. 28 Edw. 3. ca. 13. — 27 ejusdem, Stat. 2. ca. 8. and 8 Hen. 6. ca. 29. Before the first of these Statutes was made, this was wont to be obtained of the King by Grant made to any Company of Strangers. Stat. Pl. Cor. lib. 3. ca. 7. and is called a *Party-Jury*, Anno 14 Car. 2. ca. 11.

Mēdio Acquierando, Is a Writ Judicial, to constrain a Lord, for the acquitting a mean Lord from a Rent, which another claims. Reg. of Writs judic. fo. 29. b.

Mēditerranean Sea, (so called, because it has its course in the midſt of the earth,) Is that which stretcheth it ſelf from West to East, dividing Europe, Asia and Africa; and mentioned 12 Car. 2. in the Stat. of *Tonnage*.

Medium tempus, Was anciently used for the mean profits. As, *Annum, diem & medium tempus*. See *Flem*.

Medleſte, Is that which Bratton, (lib. 3. Tract. 2. ca. 35.) calls *Medletum*, and signifies quarrelling, ſcuffing, or brawling. *Culpa dicitur, quam quis inopinata committerit non rixando solum & pugnando, sed immiscendo se pacifice res cuius vel negotio*, says Spelman. Hence our common phrase, to meddle with other folks matters.

Meer, (*Meruſ*) Though an Adjective, yet is it uſed substantively, for meer right. Old Nat. Br. fo. 2. To joyn the *Mise* upon the Meer. See *Mise*.

Mēg-hote. See *Magbute*.

Mēld-seoh, (Sax.) The reward and recompence due, and given to him that made the discovery of any breach of Penal Laws committed by another: The Promoter, or Informers Fee. *Sax. Dīlīt*.

Mēliores. See *Tales*.

Mēing, (*Menagium* Fr. *Mesnie*,) as the Kings *Mēing*, Anno 1 Rich. 2. ca. 4.) i. The Kings Family, Household, or Household-servants.

Mēlius inquirendo, Is a Writ that lay for a second enquiry, of what Lands or Tenements a man dyed feized, where partial dealing was suspected upon the Writ *Diem clausit extremum*. *Fitz. Nat. Br. fo. 255.*

Mēmories, Are uſed for certain Obſequies, or remimbrances for the Dead, in Injunctions to the Clergy, 1 Edw. 6.

Mēnials, (from *Mēnia*, the Walls of a Cattle, or other building,) Are Household, or Menial Servants; that is, ſuch as live under their Lord or Masters Roof, or within his *Walls*, mentioned Anno 2 Hen. 4. ca. 21.

Mēnsura, Hoc eſt, quod Prior habet mēſuras tam aridorum quam liquidorum signatas signo Domini Regis, & quod nullus debet emere in tuto ſea vendere, niſi per illas. Ex Rēgiſtro Priorat. de Cokesford. *Mēnsura bladi*, a Bushel of Corne.

Mēnsura regalis, The Kings Standard of the Exchequer. Anno 17 Car. 1. ca. 19. See *Measure*.

Mērchenlage, (Sax. *Mēſena laſa*. i. *Mērcherum lex*,) Camb. in his Brit. pa. 94. sheweth, that, in the Year 1016, this Land was divided into three parts; whereof the *West-Saxons* had one, governing it by the Lawes called *West-Saxon Lawes*, which contained these nine Shires, Kent, Southſex, Southrey, Berks, Hampshire, Wilts, Somerſet, Dorſet, and Devon. The ſecond by the *Danes*, which was Govern'd by the Lawes called *Dencelage*, or *Danelage*, and that contained these fifteen Shires, York, Darby, Nottingham, Leicester, Lincoln, Northampton, Bedford, Bucks, Hartford, Essex, Middleſex, Northfolk, Suffolk, Cambridge and Huntington. The third was Governed by the *Mercians*, whose Law was called *Mērchenlage*, comprehending theſe eight, Glouceſter, Worcester, Hereford, Warwick, Oxenford, Cheſter, Salop, and Stafford. Out of which three *William the Conqueror* chose the beſt, and, to them, adding ſuch of the *Norman Lawes* as he thought good, he ordained Lawes for this Kingdom, ſome of which we have to this day, and are called the *Common Lawes*.

Mērcimoniatus Angliae, Was anciently uſed for the Custom or Impoſt of England.

Mērcy, (*Mifercordia*,) Signifies the Arbitrement, or Discretion of the King, Lord or Judge, in punishing any offence, not directly censured by the Law. As, to be in the *grievous mercy* of the King, (Anno 11 Hen. 6. ca. 2.) is to be in hazard of a great Fine or Penalty. See *Mifercordia*.

Mērlage, Seems to be a corruption of, or a Law French word, for *Marryrologe*. Vide 9 Hen. 7. fo. 14. b.

Mese, (from the Gr. *Μέσος*. i. *Medium*,) of Herringis 500, the half of a thousand.

Mesne or Measne, (*Medius*, Fr. *Maisne*,) Signifies him, that is Lord of a Mannor, and has Tenants holding of him, yet holds himself of a superior Lord: and therefore it seems to be properly derived from the Fr. *Maisne*. i. *Minor natura*; because his Tenure is derived from another, from whom he holds.

Mesn also signifies a Writ, which lies where there is *Lord*, *Mesn* and *Tenant*; the Tenant holding of the *Mesn*, by the same servies, whereby the *Mesn* holdeth of the *Lord*, and the Tenant of the *Mesn* is distrained by the superior *Lord*, for that his Service or Rent, which is due to the *Mesn*. *Fitz. Br.* fo. 135. See 13 *Edw. 1.* ca. 9.

Mesnalty, (*Medietas*, Fr. *Maisnete*. i. *Youngership*,) Signifies the right, or condition of the *Mesn*; as, the *Mesnalty* is extinct. *Old. Nat. Br.* fo. 44. and *Kitchin*, fo. 147. *Medietate tenetur feuda, quando aliqua persona intervenerit inter Dominum & tenentes, Et hoc modo tenent omnes postnat, mediante ante nato.* Customary of Normandy.

Messarius, A Mower, or Harvester. *Fleta*, lib. 2. ca. 75.

Messenger of the Exchequer, Is an Officer, of which sort there are four in that Court, who are Pursuivants attending the Lord Treasurer, to carry his Letters and Precepts. See *Pursuivant*.

Messuage, (*Messuagium*,) A dwelling House, (*Honestus est habitaculum cum aliquo fundi adjacentis in ejusdem usum deputati.*) But, by that name may also pass a Curtilege, a Garden, an Orchard, a Dovehouse, a Shop, a Mill, a Cottage, a Toft, as parcel of a *Messuage*. *Bracton*, lib. 5. ca. 28. *Plowden*, fo. 199. 170. yet they may be demanded by their single names. *Messuagium* in Scotland signifies, (according to *Skene*,) the principal House, or dwelling place within a Mannor, which we call the *Mannor-house*, and some, the *Scite*. A *Præcipe* lies not *de Domu*, but *de Messuagio*, *Coke on Lit. ca. 8.*

Mestilo, onis. *Mefline, Muncorne, Wheat and Rie mingled together.* — *& nonam garbam frumenti, mesfilonis, siliqinis & omnis generis bladi.* *Pat. 1 Edw. 3. Par. 1. m. 6.*

Methergabel, (Sax.) *Cibariorum velligal*, A Tribute, or Rent paid in Victuals; a thing usual of old, as well with the Kings Tenants, as others, till *Henry the First's* time, who chang'd it into Money. *Sax. Dicitur.*

Metherglin, (British, *Meddiglin*,) A kind of Drink made of Wort, Hearbs, Spice and Honey boyled together, most used in Wales; mentioned in the Act for Excise, 15 *Car. 2.* ca. 9.

Michis, — A sort of white loaves, paid as a Rent in some Mannors. *Extents de Wivenho, in dorso, Will. Lambe.* — *Capiens de prædicto Priore pro qualibus Waya cirporum tres alios panes, vocatos Michis, & nigrum panem & alia cibaria.*

Mildernix, (*Anno 1 Jac. ca. 24.*) A kind of Canvas, whereof Sail-Clothes, and other furniture for Ships are made.

Mile, (*Milliare*,) Is the distance of one thoufand paces, otherwife described to contain eight furlongs, and every Furlong to contain forty Lugs or Poles, and every Pole 16 foot and a half. *Anno 35 Eliz. ca. 6.*

Militia, (Lat.) The Implements and Furniture for Warr, mentioned 15 *Car. 2.* ca. 2.

Milleate, (*Anno 7 Jac. ca. 19.*) A trench to convey water to or from a Mill: *Reflus*, a Mill-leat. An unusual Word in Conveyances in Devonshire.

Mineral Courts, (*Curia mineralis*,) Are particular Courts for regulating the Affairs of Lead Mines, as *Stannery Courts* are for Tyn.

Mimiments, or Muniments, (*Munimenta*, from *Munus*, to defend.) Are the Evidences or Writings, whereby a man is enabled to defend the title of his Estate. *An. 5. Rich. 2.* ca. 8. and 35 *Hen. 6.* fo. 37. b. *Wangford* fayes this word *Mument* includes all manner of Evidences. See *Mument House*.

Ministri Regis, Extend to the Judges of the Realm, as well as to those that have Ministerial Offices. 2 *Inst. fo. 208.*

Minoberry, (*Anno 7 R. 2. ca. 4.*) Seems to be compounded of the French *Main*. i. *Manu* and *Ouvrer*. i. *Operari*; and to signify some trespass or offence committed by a Mans handy work in the Forest; as an Engin to catch Deer. *Briton.* (ca. 40.) uses the verb *Meinoverer*, to manure Lands; and ca. 62. *Main-ovre*, for handy work.

Minstrell, (*Minstrellus & Menestrallus*, from the French *Menestrel*,) A Fidler or Piper; mentioned 4 *Hen. 4.* ca. 27. *Lit. Pat. 24 April 9 Edw. 4.* — *Quod Marscalli & Minstrelli predicti per se forent & esse deberent unum Corpus & una Communitas perpetua, &c.* Upon a *Quo warranto* 14 *Hen. 7.* *Laurentius Dominus de Dutton clamat, quod omnes Minstrelli infra Civitatem Cestria & infra Cestriam manentes, vel officia ibidem exercentes debent convenire coram ipso vel Senescal suo apud Cestriam, ad Festum Nativitatis S. Johannis Baptista annuatim, & dabunt sibi ad dictum Festum quatuor Lagenas vini & unam Lanceam; & in super quilibet eorum dabit sibi quatuor denarios & unum obolum ad dictum Festum, & habere de quilibet Meretrice infra Comitatum Cestria, & infra Cestriam manente, & Officium suum exercentes quatuor Denarios per annum ad Festum prædictum, &c.* See *King of the Minstrels*.

Mint, Is the place where the Kings Coin is formed, be it Gold or Silver, which now is, and long has been the Tower of London: Though it appear by divers Statutes, that in ancient times the Mint has also been at *Caleis*, and other places. *Anno 21 R. 2. ca. 16.* and 9 *Hen. 5. Stat. 5.* ca. 5. The particular Officers belonging to the Mint, see in *Cowels Interpreter*, verbo, *Mint*.

Minute tythes, (*Minuta five minores decima*,) Small Tythes, such as usually belong to the

the Viccar, as of Herbs, Seeds, Eggs, Honey, Wax, &c. See 2 Part Inst. fo. 649. and *Udal & Lindals case. Hill, 22 Jac.* where the ryth of Wood was adjudged to be *minuta decima.* 3 Part Crokes Rep. fo. 21. See *Tithes.*

Misadventure, or Misaventure, (Fr. *Misadventure*, i. *Infortunium*,) Has an especial signification for the killing a man, partly by negligence, and partly by chance. As if one, thinking no harm, carelessly throwes a stone, or shoots an Arrow, wherewith he kills another. In this case he commits not Felony, but onely loseth his goods, and has a Pardon of course for his lte. *Stam. Pl. Cor. lib. 1. ca. 8. Britton, ca. 7.* distinguishes between *Aventure* and *Misadventure*; The first he makes to be meer chance, as if a Man, being upon, or near the Water, be taken with some sudden sickness, and so fall in, and is drowned, or into the fire, and is burnt. *Misadventure* he says is, where a man comes to his death by some outward violence, as the fall of a Tree, the running of a Cart-wheel, the stroke of a Horse, or such like. So that *Misadventure* in *Stamfords* opinion, is construed somewhat more largely then *Britton* understands it.

West. part 2. Symbol. tit. Inditement. Sect. 48, & 49. makes *Homicide casual* to be, merely casual, or mixt. *Homicide* by meer chance, he defines to be, when a man is slain by meer fortune, against the mind of the killer, as if one hewing, the Axe flies off the haft and kills a man; And this is al. one with *Brittons Misadventure*. *Homicide by chance mix'd*, he defines (Sect. 50.) to be, when the killers ignorance or negligence is joyned with the chance; as if a man lop Trees by a high-way side, in which many usually travel, and cast down a Bough, not giving warning, &c. by which Bough a man is slain.

Miscognisant, Ignorant or not knowing. In the Stat. 32 Hen. 8. ca. 9. against Champertie and Maintenance; It is ordained that the Justices of Assise shall twice in the year in ebery County cause open Proclamation to be made of this present Act, and of every thing therein contained, &c. to the intent, that no person should be ignorant or miscognisant of the dangers and penalties therein contained.

Miscontinuance, (Kitchin, fo. 281.) the same with *Discontinuance*, which see.

Mise, (A French word, signifying expence, or disbursement: sometimes written *Misum* in Lat. and sometimes *Misa*,) has divers significations; first, it is a kind of honourable gift, or customary present, with which the People of Wales are wont to salute every new King and Prince of Wales, at their entrance into that Principality. It was anciently given in Cartel, Wine and Corn, for sustentation of the Princes Family; but, when that Dominion was annexed to the English Crown, the Gift was changed into Money, and the Summ is 5000 £. Sterling, or More; and it hapned to be thrice paid in King James's Reign, First, at his own coming

to the Crown, and that Principality. Secondly, when Prince Henry was created Prince of Wales. And Thirdly, When King Charles the First succeeded him in that Principality.

Anno 27 Hen. 8. ca. 25. it is ordained, **That Lords Mayors shall have all such Mises and profits of their Lands, as they have had in times past, &c.** *Misæ etiam dicuntur præstaciones illæ quæ ob fruendas præmissas immunitates Cœtria Palatinatus subditæ novo cuicunque Comiti impendunt, i. 3000 Marks for that County.*

Sometimes *Mises* are taken for Taxes, or Tallages. Anno 25 Edw. 1. ca. 5. Sometimes for Costs or Expences, as *pro misis & custagiis*, for Costs and Charges in the Entries of Judgments in personal Actions.

Mise is also a word of Art, appropriated to a Writ of right, so called, because both parties have put themselves upon the meir right, to be tryed by the grand Assise, or by Battel; so as that which in all other Actions is called an *Issue*, in a Writ of Right in that case is called a *Mise*. But, in a Writ of Right, if a collateral point be tryed, there it is called an *Issue*; and is derived from *missum*, because the whole cause is put upon this point. *Coke on Litt. fol. 294. b.* Anno 37 Ed. 3. ca. 16. *To joyn the Mise upon the Meir,* is as much as to say, to joyn the *Mise* upon the cleer right, and that more plainly, to joyn upon this point, whether has the more right, the Tenant or Demandant.

Mise is sometimes used as a Participle, for *cast* or *put upon*. *Cokes & Rep. Saffins Case;* and sometimes corruptly for *Mease*, a Messuage, or Tenement: As a *Mise-place* in some Manors is taken to be such a Messuage or Tenement as answers the Lord a Herriot at the death of its owner. 2 Inst. fo. 528. which, in our French, is written *Mees*. *Ceste Endentare to moigne que come Will. Terræ de Dounham tiegne de Fabian de Veer Coonte d' Oxenford un Mees & ses acres de terre, &c. dat. 14 Ed. 3. penes William Andrew, Baronet.*

Miserere, Is the name and first word of one of the Penitential Psalms, most commonly that which the Ordinary gives to such guilty Malefactors, as have the benefit of the Clergy allowed by Law; and it is usually called the *Psalm of mercy*.

Misericordia, Is used for an Arbitrary Amerciament or Punishment imposed on any Person for an offence. For where the Plaintiff or Defendant in any Action is amerced, the Entry is always — *Ideo in misericordia, &c.* And it is called *Misericordia* (as Fitzherbert says, Nat. Br. fol. 75.) for that it ought to be but small, and les then the offence; according to the tenor of *Magna Charta*, cap. 14. Therefore, if a Man be unreasonably amerced in a Court, not of Record, as in a Court Baron, &c. there is a Writ called *Moderata Misericordia* directed to the Lord, or his Baillif, commanding them, that they take *Moderata Amerciaments*, according to the quality of the fault. *Eft enim misericordia Domini Regis* (says Glanville)

Glanvile), quod quis per juramentum legalium hominum de vicente, eatus americiandus est, ne aliquid de suo honorabili contencione amittat. And again, *Multa lenior sic dicta, quod lenissima imponitur misericordia; graviores enim multas Fines vocant, atrocissimas, Redemptions.* See *Glanv.* pag. 75. a. And see *Moderata Misericordia.* — *He shall be in the great Mercy of the King.* Wcltm. 1. cap. 15.

Misfeasans, Misdoings or Trespasses. — *Jury to enquire of all Purprestures & Misfeasans.* 2 Part Croke, fol. 498. And *Misfeasor*, a Trespasser. 2 Inst. fol. 200.

Miskering, Est de estre quit de americiemenz pur querelles en aucun Couris devant qui que il seyt, nent ordinamente ou proprement demonstre. MS. LL. Temp. E. 2. See *Abiſſorsing* and *Miskering.*

Miskenning (*Meskenninga*, LL. Hen. 1. cap. 12.) *Iniqua vel injusta in jus vocatio; inconstanter i. qui in Curia, vel invariare.* — *Renovamus etiam & confirmamus Privilégia antiquorum Regum*, atque ob reverentiam Dominae nostrae perpetua Virginis Mariae Sanctique Benedicti, *Sanctarumque virginum, omnibusque futuris ibidem Abbatibus in tota possessione Monasterii, Sacham & Socham Theloniusque suum in terra & in aqua concedo, & Consuetudines, ut ab omnibus aperitis & plenis intelligantur, Anglice scriptas, scilicet, *Wimdbiche, Feardwite, Fitwite, Blodelwite, Mistszeninge, Frithsoke, Hamsockne, Forstall, Farphange, Theifphange, Hangwite, Frithbiche, Urlepe, Insongenthese, Dupbiche, Tol & Lem,* aliasque omnes leges & Consuetudines que ad me pertinent, tam plene & tam libere, sicut eas in manu mea habebam. Confirm. Fundationis Monast. de Rainsey per S. Edw. Conf. Mon. Angl. 1 par. fo. 237.*

Miskering, *Hoc est quietus pro querelis coram quibuscumque in transumptione probata.* MS. LL. Rob. Cot. pa. 262. See *Miskering.*

Mismomer, (compound'd of the Fr. *Mes*, which in composition always signifies *amifice*, and *nomer*, i. *nominare*,) the using one name for another, a mis-termining, or mis-naming.

Misprision, (Fr. *Mespris*. i. contempt, or neglect,) Signifies a neglect, negligence, or oversight; as *Misprision of Treason, or Felony* is a neglect, or light account made of Treason or Felony committed, by not revealing it, when we know of it. Stam. pl. Cor. lib. 1. cap. 19. or by suffering any person, committed for Treason or Felony, or suspicion of either, to go before he be indicted.

Misprision of Clerks, (Anno 8 Hen. 6. ca. 15.) Is a neglect of Clerks, in writing or keeping Records. By *misprision of Clerks* no Proces shall be adnulled or discontinued. 14 Edw. 3. ca. 6. Stat. 1. For *Misprision of Treason*, the offenders are to suffer imprisonment during the Kings pleasure, lose their Goods and the Profits of their Lands during their lives. *Misprision of Felony* is onely Finable by the Justices, before whom the party is attainted. Cromp. J. of

Perse, fo. 40. Other faults may be accounted *Misprisions of Treason, or Felony*, because latter Statutes have inflicted that punishment upon them, whereof you have an example, Anno 14 Eliz. ca. 3. of such as Coyn forraine Coynes, not currant in this Realm, and their Procurers, Aiders and Abettors. *Misprision* also signifies a mistaking, Anno 14 Ed. 3. Stat. 1. ca. 6. v. 3 Inst. fo. 36, and 139.

Mis-trial, A false or erroneous Trial. Crokes Rep. 3 Part. fo. 284. *Delves Case.*

Mis-user, Is an abuse of liberty, or benefit; As, *He shall make Fine for his Misuser.* Old. Nat. Br. fo. 149.

Mitta, (Sax.) *Mensura decem modiorum.* MS. In Wicb. salina redd. 30 mittas salis. Domesday, tit. Wirc. scire. Ego Wulfredus (uxor Anketelli) Singulis annis vita mea ad Festum S. Benedicti, quod est in aestate, decem mittas de bravio & quinque de gruso & quinque mittas farina triticia & 8 pernas & 16 cascos & duas vacas pingues de terra mea Hicheling pro respectu anno eidem Ecclesia, (bameient) procurari decerno. Lib. Rames. Sect. 38. — *Preterea concessi eis septem Mittas Salis quolibet anno percipiendas apud Wiz.* Mon. Angl. 2 Par. 10. 262. b.

Mittenda manuscriptum pedis Finis, Is a Writ judicial, directed to the Treasurer and Chamberlains of the Exchequer, to search and transmit the foot of a *Fine*, acknowledged before Justices in Eyre, into the Common-Pieas, &c. Reg. of Writs, fo. 14.

Mittimus, Is a Writ by which Records are transmitted from one Court to another, as appears by the Stat. of 5 Rich. 2. ca. 15. as out of the Kings Bench into the Exchequer; And sometimes by a *Certiorari* into the Chancery, and from thence by a *Mittimus* into another Court, as you may see in 28 Hen. 8. Dyer, fo. 29. and 29 Hen. 8. Dyer, fo. 32. *Mittimus* also signifies the Precept that is directed by a Justice of Peace to a Taylor, for the receiving and safe keeping a Felon, or other Offender, committed by the said Justice. See *Table of Reg. of Writs*, for other uses and applications of this Word.

Mist tithes, (*decima mixta*,) Are those of Cheese, Milk, &c. and of the young of beasts. See *Cokes 2 Part Inst. fo. 649.* and see *Tithe.*

Mochadoes, (Anno 23 Eliz. ca. 9.) A kind of Stuff made in England, and elsewhere.

Moderata misericordia, Is a Writ that lies for him who is amerced in a Court-Baron, or other Court not of Record, for any transgression or offence beyond the quality of the fault. It is directed to the Lord of the Court or his Bailiff, commanding them to take a moderate *Amerciamens* of the party, and is founded upon *Magna Charta*, ca. 14. *Quid nullus liber homo amercietur, nisi secundum qualitatem delicti, &c.* The rest touching this Writ see in *Zitz. Nat. Br. fo. 75.* See *Misericordia.*

Modo & forma, Are words of art in pleadings, namely in the Answer of the Defendant, whereby he denies to have done the thing laid

to his charge, *modo & forma declarata*. *Kitchin*, fo. 232. The Civilians in like case, say, *Negat allegata, prout allegantur, esse vera*. Where *modo & forma* are of the substance of the Issue, and where but words of course, see *Coke on Litt. fo. 281. b.*

Podus decimandi, Is either, when Land, or a yearly Pension, sum of Money, or other profit belong to the Parson, Viccar, &c. by composition or Custom, in satisfaction of Tithes in kind. *MS. penes Aub. See 2 Inst. fo. 490.*

Molendinum bladonicum, A Corn-mill; for which in ancient Charters we also find *Molendinum bladum & molendinum de blado*. So a Fulling-mill is thus variously Latin'd in Re-Records, *Molendinum fullonum*, *Mol. fullanicum*, *Mol. Fullere*, *Mol. Fullarium & Mol de Fullere*.

A Windmill, *Molendinum ad ventum, & venti*; *Molendinum ventriticum, & ventricuum*.

A Water-mill, *Molendinum aquaticum & aquatilium*.

A Horse-mill, *Molendinum Equisium*.

A Grinding, or Grist-Mill, *Molendinum molare*. *Ex Cartis & Record. in Mon. Angl.*

Polman, Prior. *Lewens. pa. 21.* —*omnis Lanceta, omnis Iafiman & omnis Molman* (qui non sedet saper Ogeland) debent spargere unam reiam de fiens, &c. i. Unam strigam vel tractum stercoris, a rwo of muck.

Molasses, (Anno 12 Car. 2. ca. 25.) Is the retuie Sirrop in the boiling of Sugar; with which (by the said Statute) Wine is prohibited to be mingled, or adulterated.

Monetarium, *Jus & artificium cudenti monetas*.

Moniers, or **Monepoys**, (*Monetarius*) Minters of the Mint, which make Coin, and deliver out the Kings Moneys. Anno 25 Edw. 3. ca. 20. *Reg. of Writs*, fo. 262. It appears that in ancient time our Kings of England had Mints in most of the Counties of this Realm; and in the *Traffate of the Exchequer*, written by *Ockham*, we find, that, whereas Sheriffs ordinarily were ty'd to pay into the Exchequer the Kings Sterling-Money, for such Debts, as they were to answer, they of Northumberland and Cumberland were at liberty to pay in any sort of Money, so it were Silver; and the reason is there given, because those two Shires, *Monetarios de antiqua institutione non habent*. Monegers are now also taken for Banquers, or those that make it their Trade to turn and return money.

Monger, Seems to be a little Sea-vessel, which Fishermen use, Anno 13 Eliz. ca. 11.

Monopoly, (from the Gr. *Mόνος, unus & πλέον vendo*,) Is an Institution, or allowance of the King by his Grant, Commission, or otherwise to any person or persons, of, or for the sole buying, selling, making, working, or using of any thing, whereby any person or persons are restrained of any freedom or liberty

that they had before, or hindred in their lawful Trade; which is declared illegal by 21 Jac. ca. 3. Except in some particular cases, which see in 3 Inst. fo. 181.

Monstrans de droit, (i. Shewing of ones right) Signifies a writ issuing out of the Chancery to be restored to Lands or Tenements, that indeed are mine in right, though, by some Office, found to be in possession of one lately dead. See *Stamp. Frar. ca. 21. at large*, and *Cokes Rep. lib. 4. fo. 54. Wardens of the Saddlers Case*.

Monstraberunt, Is a Writ that lies for Tenants that hold freely by Charter in ancient Demaine, being distreined for the payment of any Toll or Imposition, contrary to the liberty, which they do, or should enjoy. *Fitz. Nat. Br. fo. 14.*

Moneth, or **Moneth**, (Sax. *Monath*,) Shall be understood to consist of 28 dayes. See *Coke, lib. 6. fo. 61. b.* And see *Kalender-moneth*.

Moot, (from the Sax. *Mōtian*, to treat, or handle) Is well understood at the Inns of Court, to be that exercise, or arguing of Cases, which young Barristers and Students perform, at certain times, for the better enabling them for practise, and defence of Clients Causes. The place where *Moot-cases* were argued, was anciently called a *Moot-ball*, from the Sax. *Mōpeal*. In the Inns of Court there is a *Bailiff*, or *Surveyor of the Moots*, who is yearly chosen by the Bench, to appoint the *Mootmen* for the Inns of Chancery, and to keep account of performance of Exercises both there and in the House. See *Orig. Juridiculares*, fo. 212.

Mootmen, Are those that argue Readers Cases, (called also *Moot-cases*) in the Houses of Chancery, both in Terms and in Vacations. *Cokes Rep. 3 Part in Proelio*.

Mozatur, or **Demozatur in Lege**, Signifies as much as he *Demurrs*; because the Party goes not forward in pleading, but rests or abides upon the Judgment of the Court in the point, who deliberate, and take time to argue, and advise thereupon. Whencesoever the Counsel learned of the Party is of opinion, that the Count or Plea of the adverse party is insufficient in Law; then he *Demurrs* or abides in Law, and refers the same to the Judgment of the Court. *Coke on Lit. fo. 71. b.* See *Demurrer*.

Moziam, Is all one in signification with the French *Morion*, i. *Cassis*, a headpiece, and that from the Italian *Morione*. Anno 4 & 5 Phil. & Mary, ca. 2. now called a *Pot*.

Mozling alias Mortling, Signifies that Wool which is taken from the Skin of a dead Sheep, whether dying of the rot, or being killed. Anno 4 Edw. 4. cap. 2. & 3. and 27 Hen. 6 cap. 2. This is written *Morkin*, Anno 3 Jac. cap. 18. *Morling* or *Shorling*, Anno 3 Edw. 4. cap. 1. & 14 Car. 2. cap. 18. See *Shorling*.

Mortdancer. See *Affize*.

Mortgag(e) (*Mortuum vadum vel Mortgagium*) from the French *Mort*, i. *Mors* and *Gage*, i. *Pignus*) Signifies a Pawn of Land or Tenement, or any moveable

moveable thing, laid or bound for Money borrowed, peremptorily to be the Creditors for ever, if the Money be not paid at the day agreed on. And the Creditor, holding such Land on such Agreement, is in the mean time called *Tenant in Mortgage*. Glanvile (lib. 10. cap. 6.) defines it thus, *Mortuum vadium dicitur illud, cuius fructus vel redditus interim percepti in nullo se acquietant*. Thus it is called a *Dead Gage*, because whatsoever profit it yields, yet it redeems not it self by yielding such profit, except the whole sum borrowed be likewise paid at the day, the *Mortgagee* by Covenant being to receive the profits, till default of payment. He that lays this Pawn or Gage, is called the *Mortgager*, and he that takes it, the *Mortgagee*. This, if it contain excessive Usury, is prohibited Anno 37 Hen. 8. cap. 9.

Mortmain (*Manus Mortua*, i. Dead Hand. From the Fr. *Mort*, i. *Mors*, and *Main*, i. *Hand*) Signifies an Alienation of Lands or Tenements to any Corporation, Guild, or Fraternity, and their Successors, as Bishops, Parsons, Vicars, &c. which may not be done without Licence of the King, and the Lord of the Mannor, or of the King alone, if it be immediately holden of him. The reason of the name proceeds from this, that the services and other profits due for such Lands, should not, without such Licence come into a *Dead Hand*, or into such a Hand, as it were Dead, and so dedicate unto God, or pious uses, as to be abstractedly different from other Lands, Tenements, or Hereditaments, and is never to revert to the Donor or any Temporal or common use. *Mag. Charta*, cap. 36. and 7 Edw. 1. commonly called the *Statute of Mortmain*. 18 Edw. 3. stat. 3. cap. 3. and 15 Rich. 2. cap. 5. Which Statutes are something abridged by Anno 39 Eliz. cap. 5. whereby the gift of Land, &c. to Hospitals, is permitted without obtaining of Licences of Mortmain. Hortoman in his Commentaries *De verbis Feudal.* *verbo Manus mortua*, says thus. *Manus mortua locutio est, qua usurpatur de iis quorum possesso, ut ita dicam, immortalis est, quia nunquam baredem habere definit*. *Qua de causa res nunquam ad Priorem Dominum revertitur; nam Manus pro possessione dicitur, Mortua pro immortali, &c.* And Skene says, That *Dimittere terras ad Manum Mortuam*, est idem atque *dimittere ad multitudinem sive universitatem*, *qua nunquam moritur*. The President and Governors for the poor within the Cities of London and Westminster, may without Licence in Mortmain, purchase Lands, &c. not exceeding the yearly value of 3000 l. &c. Stat. 14 Car. 2. cap. 9.

Mortuary (*Mortuarium*) Is a gift left by a Man at his death, to his Parish Church, in recompence of his Personal Tythes and Offerings, not duly paid in his life time. A *Mortuary* is not properly and originally due to an Ecclesiastical Incumbent from any, but those only of his own Parish, to whom he ministers Spiritual Instruction, and hath right to their Tythes. But by Custom in some places of this Kingdom,

they are paid to the Incumbent of other Parishes, in the Corps of the Dead Bodies passage through them. See the Statute 21 Hen. 8 cap. 6. before which Statute *Mortuaries* were payable in Beasts. *Mortuarium* (says Lindwood) *sic dictum, est quia relinquitur Ecclesia pro anima defuncti*. Custom in tract of time, did so far prevail, as that *Mortuaries* being held as due debts, the payment of them was enjoined, as well by the Statute *De circumpedito agatu*, in 13 Edw. 1. as by several Constitutions, &c. A *Mortuary* was anciently called a *Cors-present*, (because the *Beast* was presented with the *Body* at the Funeral) and sometimes a *Principal*. Of which see a learned discourse in Mr. Dugdale's *Antiquities of Warwickshire*. fol. 679. And see *Selden's History of Tythes*, pag. 287. There is no *Mortuary* due by Law, but by Custom. 2 Part Inst. fol. 491. See *Spel. de Concil. Tom. 2. fol. 390*.

Moss-Troopers, Are a rebellious sort of Malefactors in the North of England, that live by Robbery and Rapine; not unlike the *Tories* of Ireland, or *Banditi* in Italy; for suppression of whom, the Statutes 4 Jac. cap. 1. — 7 Jac. cap. 1. and 14 Car. 2. cap. 22. were made.

Mote (*Mota*) *Sax. Gemote*) A Court, Plea, or Convention. As *Mota de Hereford*, i. *Curia vel placita Comitatus de Hereford*. *Chartera Matildis Imperatricis filia Regis Hen. 1.* — *Sciatis me fecisse Milonem de Gloucestre, Comitem de Hereford & dedisse ei Motam Herefordiam cum toto Castello in Feudo & Hereduate*. Of this there were several kindes, as *Wittenagemot*, *Folcagemot*, *Sciregemot*, *Hundredagemot*, *Burgemote*, *Wardegemote*, *Haligemot*, *Swainege mot*, &c.

Hence to *Mote* or *Mot*, i. To Plead, and in Scotland they call it to *Mote*, as *The Mote Hill at Scone*, i. *Mons placiti de Scone*. But we now most commonly apply the word *Moot*, to that practise of Pleading and Arguing Cases, which young Students use in the Inns of Court and Chancery.

Mota was sometimes used of old for a Fortress or Castle, as *Turris de London* & *Mota de Windsor* — *Chartera pacis inter Stephanum Regem & Hen. Ducem postea Regem*. See *Moot*.

Mote, Does also signify a Standing Water to keep Fish in, or a great Ditch of Water encompassing a Castle or Dwelling House. — *Hec Indentura facta inter Rogerum Grenae Clericum ex parte una & Thomam Horwerde Clericum ex parte altera, testatur, quod praedictus Rogerus tradidit prefato Thoma via stagna & unam Motam Piscariam existent, infra manerium Domini de Yeffyn Habend. & tenet a predicta tria stagna & predictam Motam cum tota piscatione in eisdem & cum incremento piscium in eisdem cum libero ingressu & egressu, &c.* Dat. 18 Febr. 1. Edw. 4.

Muchebunt. — *Habent hi quatuor unam regalem potestatem, (Salva semper nobis nostra præsenzia) quaterque in anno generales Forestæ demonstrations & viridis & veneris forūfactions, quas Muchebunt dicunt, &c.* Conſt. Canuti de Foresta, cap. 11.

Mulier (as used in our Laws, seems to be corrupted from *Melior*, or the Fr. *Melieur*) Signifies the lawful Issue, preferred before an Elder Brother born out of Matrimony. *Anno 9 Hen. 6. cap. 11.* *Smith de Republ. Angl. lib. 3. cap. 6.* But by *Glanvile, lib. 7. cap. 1.* The lawful Issue seems rather *Mulier*, then *Melior*, because begotten *e Muliere*, and not *ex Concubina*, for he calls such issue *Filios mulieratos*, opposing them to *Bastards*. And *Britton, cap. 70.* hath *Frere mulier, i.* The Brother begotten of the Wife, opposite to *Frere bastard*. This seems to be used in *Scotland* also: For *Skene* says, *Mulieratus filius* is a lawful Son, begotten of a lawful Wife. A Man hath a Son by a Woman before marriage, which is a Bastard and unlawful, and after he marries the Mother of the Bastard, and they have another Son, this second Son is called *Mulier*, and is lawful, and shall be heir to his Father: You shall always finde them with this Addition, when compared, *Bastard eigne & mulier puisne*. See *Coke on Litt. fol. 170 b. & 243 b.*

Mulier also, was anciently used as an Addition; As, *Omnibus — Domina Johanna de Foresta, mulier, salutem. Novavit universitas vestra quod, &c. dat. 3 Regis Edw. Filii Edw.* Ex Autographo penes *Autorem*. By this it was doubted whether *Mulier* signify'd a Wife, or a Woman born in lawful Wedlock. But the following Deed clearly shewes it the former, and is conform to what *Sir Edw. Coke* says, *2 Inst. fo. 434. That, of ancient time, Mulier was taken for a Wife.*

Elizabetha Grendon filia & heres legitima Domini Hamonis Peshal mil. dum vixit & Alicia uxoris sue filie quondam Roberti Harley & Johanna uxoris ejusdem Roberti, filii & hereditis quondam Robertis Harley mil. & Margareta uxoris sue pars appellans & actrix ex parte una, & Johanna Harley Mulier pars appellata & rea ex altera. Eadem Johanna Harley per Officialem Diocesis Middlesex, occasione frigiditatis sive impotentiae naturalis Robertis mariti sui coeund. sive eam carnaliter cognoscend. mota, ab eodem Roberto separata fuit. Et nunc, ex supplicatione praefata Elizabetha Grendon, ea separatio cassatur & annullatur, & matrimonium inter eos solidum & firmum fuisse declaratur per instrumentum publicum. Dat. Anno 1400. Ex MS. penes Will. Dugdale Ar.

Muliertie, or Mulerie, (*Coke on Litt. fo. 352. b.*) the being, or condition of a *Mulier*, or lawful issue. *Fait à remembre que Osbart Parles engendra Reynald de Assèles en Bastardie ; le quale Osbart enseffa le dit Reynald en Fec en tote son tenement de Assèles, a lui & ses héritiers & toutz jours : le quale Reynald engendra Simon de Assèles en Mulerie, le quale Simon engendra Aliue, Agnes & Margerie en Mulerie.* MS penes Will. Dugdale Ar.

Multa, or Multura Episcopi, Is derived a *Multa*; for that it was a Fine, or final satisfaction given the King, that they might have power to make their last Wills and Testaments, and to have the *Probat* of other Mens, and

the granting Administrations. See *2 Inst. fo. 491.*

Multiplication, (*Multiplicatio*) Multiplying, or Augmenting. It is ordained and established, That none from henceforth shall use to Multiply Gold or Silver, nor use the Craft of Multiplication, and if any the same do, he shall incur the pain of Felony. *Anno 5 Hen. 4. ca. 4.* which Statute was made upon a presumption that some persons skilful in Chemistry, could multiply or augment those Metals, by *Elixir* or other ingredients, and change other Metals into very Gold or Silver. For, Letters Patents were granted by *Henry the Sixth* to certain persons, (who undertook to perform the same, and to find out the Philosophers Stone) to free them from the penalty in the said Stat. *Rot. Pat. 34 Hen. 6. m. 13. Coke 3. Inst. fo. 74.*

Multitude, (*Multitudo*) must, (according to some Authors) be ten persons or more; but *Sir Edward Coke* says, he could never read it restrained by the Common Law to any certain number, but left to the discretion of the Judges. *Ex Litt. fo. 257.*

A **Multo fortiori**, or a *Minore ad Maius*, Is an argument often used by *Littleton*, the force of it thus, — If it be so in a Feoffment, passing a new right, much more is it for the restitution of an ancient right, &c. *Coke on Litt. fo. 253. a. and 260. a.*

Multure, (*Molitura vel Multura*) Signifies the Toll that the Miller takes for grinding Corn. — *Et totam sequelam Custumariorum meorum qui ad dictum molendinum bladum suum molent, ad sextum decimum vas, & braseum suum sine Multura.* *Mon. Angl. p. 10. 825. a.* — And if that will gyrynd at his milne, to gyrend at triiti bessel. And for their Malt negyt gye Multur, &c. An Award dat. 28 Hen. 6.

Mundbrech, (Sax. *Mund*. i. *Munitio*, *Defensio*, & *Epice*. *Fractio vel violatio*.) Si Rex Ecclesiam, Monasterium, Burgum, hominem aliquem vel societatem, eorumque res aut prædia in suam suscepserat protectionem, dicebatur hoc omne & ejusmodi quicquid in Regis esse Mundio, Saxonice non *Cyningemunde*, cuius violatio etiam Mundibrice dicta est. q. Protectionis violatio, aut date pacis fractio, qua in *Anglorum lege* & libris plebatur. Spelm. But *Mundbrech* is expounded in late times clausarum fractionem, a breach of Mounds, by which name Ditches and Fences are still called in some parts of England.

Mundeburde, (*Mundeburdum*, from the Sax. *Mund*. i. *Tutela*: And *Bopð* vel *Boph*. i. *Fidejussor*.) *Defensionis vel patrocinii fidejussio & stipulatio.*

Muniments, (*Munimenta*,) Mat. Paris, fo 311. *Episcopus itaque cum Munimentorum inspectionem habere non potuit.* Scripta scilicet authenticæ, Charta Donationum & evidentiæ. See *Maniments*.

Munimenthouse, (*Manimen*) In Cathedral and Collegiate Churches, Castles, Colleges, or such like, is a House, or little Room of strength purposedly

Purposely made for keeping, the Seal, Evidences, Charters, &c. of such Church, Colledge, &c. Such Evidences being called *Muniments*, corruptly *Miniments*, from *Munio*, to defend; because inheritances and possessions are defended by them. *3 Part Inst. fo. 170.*

Murage, (*Muragium, Anno 3 Ed. 1. ca. 30.*) Is a reasonable Toll, to be taken of every Cart, or Horse, coming laden into a City or Town, for the building or repairing the Walls of it, for the safeguard of the People, and is due either by Grant or prescription. *Cokes 2 Part Inst. fo. 222.*

Murder, (*Murdrum, from the Sax. Mopþep, or British Murndwyrn. Fr. Meurtre. i. Internecu*) Is a wilful and felonious killing another upon prepensed Malice, whether secretly or openly, English man, or Forreiner, living under the Kings protection. *52 Hen. 3. ca. 25. — 14 Ed. 3. ca. 4.* Prepensed malice is either express or imply'd; Express, when it may be evidently proved, There was formerly some ill will: Implied, when one kills another suddenly, having nothing to defend himself, as going over a Style, or such like. *Cromp. Jus. of P. ca. of Murder, fo. 19.* Per parol de Murder en grants, le Granee clama de aver amerciaments de Murderes. Broke tit. quo warrant. 2.

Murengers, Are two ancient Officers in the City of Chester, of as great antiquity as any other in that City, being two of the principal Aldermen, yearly elected, to see the Walls kept in good repair, and who receive certain Tolls and Customs for maintenance thereof.

Muster, (*from the Fr. Moustre. i. Specimen, Exemplum, as Faire mousme generale de toute son arme, Is as much as lustrare exercitum*) the signification is well known. *Mustred of Record, (Anno 18 Hen. 6. ca. 19.)* Is to be enrolled in the number of the Kings Souldiers. Master of the Kings Musters. See in *Master*.

Muster-master-general, (*Anno 35 Eliz. ca. 4.*) See *Master of the Kings Musters*.

Mute, (*Mutus*) That speaks not; dumb, speechless. — A Prisoner may stand Mute two manner of wayes. 1. When he speaks not at all, and then it shall be enquired, whether he stood Mute of malice, or by the act of God; if by the later, then the Judge *ex officio* ought to enquire, whether he be the same person, and of all other Pleas, which he might have pleaded, if he had not stood Mute. 2. When he pleads not guilty, or does not directly answer, or will not put himself upon the enquest to be tryed. *Coke 2 Part Inst. ca. 12. Anno 32 Hen. 8. ca. 3.* See *Pain Fort & Dure*.

N.

Nam, (*Namium*) (*from the Sax. Name. i. Capio*) Signifies the taking or apprehending another mans moveable Goods, and is

either lawful or unlawful: *Lawful Naam* is a reasonable Distress proportionable to the value of the thing distreined for; and this *Naam* was anciently called either *Vif* or *Mort*, quick or dead, according as it is made of dead or quick Chattels. *Lawful Naam* is so either by the Common-Law, as when one takes another Mans Beatts damage feasant in his Grounds; or by a Mans particular fact, as by reason of some contract made, that for default of payment of an Annuity, it shall be lawful to distrain in such or such Lands, &c. *Horns Mirror of Justices. lib. 2. ca. de Naam.* See *Withernam. non libebit Namium sumere vel vadimonium, nec averis suis imparchiare.* *Mon. Angl. 2 Par. fo. 256. b.* *Nemo Namium capiat in comitatu vel extra Comitatum, priusquam ter in Hundredo suo rebus suis perquisierit.* *LL. Canuti MS. ca. 18. qui inscribitur de Namiis capiendis. Quod si reddere noluerint (debitores) nec ad distriationandum venire, tunc cives quibus debita sua debent, capiant in Civitate, Namia sua, vel de comitatu in quo manet, qui debitum debet.* *Char. Hen. 1. de libertat. London.* See *Vestuum Namium*.

Namation, (*Namatio*) A distreining, or taking a distress. In Scotland it is used for impounding.

Naperie, (*Anno 2 Ric. 2. ca. 1.*) (from the French, *Nappe*, a Table-cloth,) we may call it linnen-clothery.

Pathwyte. — *Quod nec dictus Philippus de Avery, nec baredes sui de cætero petere possint aliquas tallagias, nec etiam francum plegium, nec etiam aliam demandam, qua vocatur Pathwyte.* *Carta 55 Hen. 3. m. 6.* Perhaps, from the Sax. *Nyþ. i. Lewdness, and so it may signific the same with Lairwite.*

Nativity, (*Nativitas*) Birth; Casting the Nativity, or, by calculation, seeking to know how long the Queen should live, &c. made Felony, *Anno 23 Eliz. ca. 2.* *Nativitas* was anciently taken for Bondage, or Villenage — *terram, quam Nativi sui tenuerunt de se in Nativitate.* *Mon. Angl. 2 par. fo. 643. a.*

Natibo habendo, Was a Writ that lay to the Sheriff, for a Lord, whose Villain, claimed for his inheritance, was run from him, for the apprehending and restoring him to his Lord. *Reg. of Writs, fo. 87. Fitz. Nat. Bo. fo. 77.*

Natibus, *Is qui natus est servus, &c. differat ab eo qui se venundari passus est.* Servos eximis alios Bondos dicimus, alios Nativos, alias Villanos. Bondi sunt qui passionis vinculo se affinxerint in servitatem, unde & nomen, *nata Bond*, anglice vinculum, Bondi quasi astræ nuncupantur. De Nativis jam supra, Villani, sunt qui gleba ascripti villam colunt Dominicam, nec exire licet, sine Domini licentia. Spelman Chart. Rich. 2. qua omnes manumittit & Bondagio in Com. Hertford. Walsingham, pag. 254. — *Quod si aliquis Nativus alicuius in prefato Burgo manserit & terram in eo tenuerit, & fuerit in prædicta Gilda & Hansa & Loth & Scotch cum eisdem Burgenibus nostris per unum*

annum Sunum diem sine calumpnia, deinceps non possit repeti a Domino suo, ut in eodem Burgo liber permaneat. Carta Hen. 3. Burgensibus Mungumery.

Nativè tenentes, Sunt (ipsi etiam liberi) qui terram tenent Nativam: Hoc est Nativorum servitii obnoxiam. Spel.

Naturalization (*Naturalizatio*) Is when an Alien born is made the Kings Natural Subject. See Denizen.

Re Admittas, Is a Writ that lieth for the Plaintiff in a *Quare Impedit*, or him that hath an Action of *Darcis Presentment* depending in the Common Bench, and fears the Bishop will admit the Clerk of the Defendant, during the Suit between them; which Writ must be sued within six Moneths after the avoidance, because after the six Moneths, the Bishop may present by Lapse. *Reg. of Writs*, fol. 31. *Fitz. Nat. Br. fol. 37.*

Heat-land (Sax.) *Terra Villanorum*: Land let or granted out to the Yeomanry. *Ex Vetus Charta.*

Negative Pregnant (*Negativa Pregnans*) Is a Negative, which implies or brings forth an Affirmative; as, if a Man being impleaded to have done a thing on such a day, or in such a place, denies that he did it *Modo & forma declarata*, which implies nevertheless that in some sort he did it. Or, if a Man be impleaded for having alienated Land in Fee, &c. he denying that he hath alienated in Fee. This is a Negative which includes an Affirmative, for it may be he hath made an Estate in Tayl. *Dyer fol. 17. num. 95.* And see *Brook*, hoc tit.

Neif (Fr. *Naif*, i. *Naturalis, Nativa*) Signifies a Bond-woman, the villain. Mentioned *Anno 9 Rich. 2. cap. 2.* See *Nativus*. Anciently when a Lord made his Bond-woman free, he gave her this kinde of Manumission.

Sciant presentes & futuri quod ego Radulphus de Cromwell Miles Senior & Dominus de Lambeley dedi Domino Roberto Vicario de Dedeling Beatricem filiam Willielmi Hervey de Lambeley quendam Nativam Meam, cum tota sequela sua, cum omnibus catallis suis perquisitis & perquirendis. Habend. & Tenend. predictam Beatricem cum tota sequela sua & omnibus catallis suis & omnibus rebus suis perquisitis & perquirendis predicto Domino Roberto vel suis assignatis liberè quiete bene & in pace imperpetuum. Ita quod nec ego predictus Radulphus & heredes mei sive assignatis mei aliquod juris vel clamii in predicta Beatrice vel in catallis suis sive in sequela sua ratione servitius vel nativitatis de cetero exigere vel vindicare poterimus, sed quicquid sit & absoluta de me & heredibus meis seu assignatis meis ab omni onere servitius & nativitatis imperpetuum. In cuius, hiis testibus. Dat. apud Lambeley in die Sancti Laurenii Martyris. Anno 13 Edw. 3. See Manumission.

Writ of Neif, Was an ancient Writ, now out of use, whereby the Lord claimed such a Woman for his Neif, wherein but two Neifs could be put.

Re injuste heres, Is a Writ that lies for a Tenant, who is disreined by his Lord for other Services, then he ought to make, and is a prohibition to the Lord in it self, commanding him not to distrain. The special use of it is, where the Tenant has formerly prejudiced himself, by performing more Services, or paying more Rent without constraint, then he needed; For, in this case, by reason of the Lords seisin, he cannot avoid him in *Arrears*, and therefore is driven to this Writ, as his next remedy. *Reg. of Writs*, fo. 4. *Fitz. Nat. Br. fol. 10.*

Spelle (Anno 4 Hen. 7. ca. 21.) Seeks to be the proper name of *Orford Haven* in Suffolk.

Re vicecomes, Colore mandati Regis, quenquam amoveat a possessione Ecclesie minus just. *Reg. of Writs*, fo. 61.

Nient comprise, Is an exception taken to a petition as unjust, because the thing desired is not contained in that Act or Deed, whereon the Petition is grounded. For example, one desires of the Court to be put in possession of a House, formerly among other Lands, &c. adjudged to him; The adverse party pleads, that this petition is not to be granted, because, though the Petitioner had a judgment for certain Lands and Houses, yet this House is not comprised among those, for which he had Judgment. *New Book of Entries*, tit. *Nient comprise*.

Nible, (Anno 3 Edw. 4. ca. 5.) Both *Cowell* and *Spelman* have it without any explication. I suppose it a corruption from *nihil*, and to signify a Toy, or thing of no value.

Nihilis, or **Nichilis**, (Anno 5 Rich. 2. Stat. 1. ca. 3. and 27 Eliz. ca. 3.) Are Issues, which the Sheriff, that is apposed, says, Are Nothing worth, and illevisible, for the insufficiency of the parties that should pay them. *Practice of the Exchequer*, pa. 101. *Accompts of Nihil shall be put out of the Exchequer*. *Anno 5 Rich. 2. Stat. 2. ca. 13.*

Nihil dicit, Is a failing to put in Answer to the Plaintiffs Plea by the day assignd'; which, if a Man do omit, Judgment passeth against him, as saying nothing why it should not.

Nihil capit per habe, Is the Judgment given against the Plaintiff, either in barr of his Action, or in abatement of his Writ. *Coke on Littleton*, fo. 363.

Nisi prius, Is a Writ Judicial, which lies in case, where the Enquest is panelled, and returned before the Justices of the Bank, the one party or the other desiring to have this Writ for the ease of the Country; whereby the Sheriff is willed to bring the men empanel'd to Westminster at a certain day, or before the Justices of the next Assizes; *Nisi die luna apud talem locum prius venerint*, &c. See the form of it in *Old Nat. Br. fo. 159.* and see the Statute 14 Edw. 3. ca. 15. and that of York, 12 Edw. 2. and West. 2. ca. 30. See *Justices of nisi prius*, and 4 *Infr. fo. 161.*

Noctes & noctem de firma. We often meet in *Domesday* with tot *Noctes de firma*, or

firma tot noctium; which is to be understood of meat and drink, or entertainment for so many nights.

Nobility, (Nobilitas) With us comprifeth all Dignities above a Knight; so that a Baron is the lowest degree of it. *Smyth de Repub. Angl. lib. 1. ca. 17. v. Coke, lib. 9. Count of Salops Case.*

Documento. See *Nusance*.

Nomination, (Nominatione) Is taken for a power, that a Man, by vertue of a Mannor, or otherwise, hath, to appoint a Clerk to a Patron of a Benefice, by him to be presented to the Ordinary.

Non-ability, Is an exception taken against the Plaintiff or Demandant, upon some cause why he cannot commence any Sute in Law; as *Pramuniri, Outlary, Villenage, professed in Religion, Excommunication*, or because he is a stranger born; howbeit the last holds only in actions *real* or *mixt*, and not in *personal*, except he be a stranger and an Enemy. The Civilians say, such a Man has not *Personam standi in judicio*. See *Brooke, hoc tit. and Fitz. Nat. Br. fo. 35. 65 and 77.*

Non admittas. See *Ne admittas*.

Nonage, Is all the time of a Mans age, under one and twenty years in some cases, or 14 in others, as Marriage. See *Broke, tit. Age. See Age.*

Non capiendo Clericum. See *Clericum non capiendo*.

Non-claim, Is an omission, or neglect of a Man, that claims not within the time limited by Law; as within a year and day, where *continual claim* ought to be made, or within five years after a Fine levied. *Vide Coke, lib. 4. in Proam. and Continual Claim.*

Non compos mentis, Is a Man of no sound Memory and understanding, of which there are four sorts. 1. An *Idiot*, who from his Nativitity, by a perpetual infirmity, Is *Non compas mentis*. 2. He that by sickness, grief, or other accident wholly loseth his Memory and Understanding. 3. A *Lunatick*, that has sometimes his understanding, and sometimes not, *aliquando gaudet lucidis intervallis*. Lastly, He that by his own act for a time deprives himself of his right mind, as a *Drunkard*; but that kind of *Non compos mentis* shall give no priviledge or benefit to him or his heirs; and a Descent takes away the Entry of an *Idiot*, albeit the want of understanding was perpetual. *Coke, lib. 4. Beverly's Case.*

Non distingendo, Is a Writ comprizing divers particulars, according to divers cases, which you may see in the Table of Reg. of Writs.

Non est culpabilis, Is the general Plea to an action of *Trespals*, whereby the Defendant does absolutely deny the fact, charged on him by the Plaintiff, whereas in other special Answers, the Defendant grants the fact to be done, but alleges some reason in his defence, why he lawfully might do it. And, as this is the general Answer in an Action of *Trespals*,

that is, an Action criminal civilly prosecuted; so is it also in all Actions criminally followed, either at the Sute of the King, or other, wherein the Defendant denies the Crime objected to him. See *New Book of Entries, tit. non Culp. & Stampf. pl. Cor. lib. 2. ca. 62.*

Non est factum, Is a Plea to a Declaration, whereby a Man denies that to be his deed, whereupon he is impleaded. *Brooke, hoc titulo.*

Non implacitando aliquem de libero tenemento sine brevi, Is a Writ to inhibit Baillifs, &c. from Distreining any Man, without the Kings Writ, touching his Freehold. *Reg. of Writs, 171. b.*

Non intromittendo quando breve Prece in capite subdole impetratur, Is a Writ which had dependence on the Court of Wards, and therefore now obsolete. *Reg. of Writs, fo. 4. b.*

Non merchandizando victualia, Is a Writ directed to the Justices of Assise, commanding them to enquire, whether the Officers of such a Town do sell Victuals in gross, or by retail during their Office, contrary to the Statute, and to punish them, if they find it true. *Reg. of Writs, fo. 184.*

Non molestando, Is a Writ that lies for him, who is molested contrary to the Kings protection granted him. *Reg. of Writs, fo. 24.*

Non obstante, notwithstanding, Is a word or clause usual in Statutes and Letters Patent. —All grants of such Pensions, and every non obstante therein contained shall be void. *Stat. 14 Car. 2. ca. 11. vi. 3 Part Crokes Rep. fo. 196. and Plow. Com. fo. 501, 502.* In Henry the Thirds time (says Sir Richard Baker) the Clause *non obstante* (brought in first by the Pope) was taken up by the King in his Grants and Writings. See *Pryns Animadversions on fourth Inst. fo. 129.*

Non omittas, Is a Writ lying, where the Sheriff delivers a former Writ to a Bailiff of a Franchise, in which the party, on whom it is to be served, dwells, and the Bailiff neglects to do it: In this case the Sheriff returning, that he delivered it to the Bailiff, this shall be directed to the Sheriff, charging him to execute the Kings command himself. *Old. Nat. Br. fo. 44.* Of this the Reg. of Writs has three sorts, *fa. 82. b. 151.*

Non ponendo in Atestis & Juratis, Is a Writ founded upon the Stat. *Wejem. 2. ca. 38.* and the Stat. *Articuli super Chartas, ca. 9.* which is granted upon divers causes to Men, for the freeing them from serving upon Assises and Juries, as by reason of old age, &c. See *Fitz. Nat. Br. fo. 164. and Reg. fo. 179. 181.*

Non procedendo ad Atestam Regie inconsulto, Is a Writ to stop the Trial of a Cause appertaining to one, who is in the Kings service, &c. until the Kings pleasure be farther known. *Reg. fo. 220.*

Non residentia pro Clericis Regis, Is a Writ directed to the Ordinary, charging him not to molest a Clerk employd in the Kings Service

vice, by reason of his Non-residence. Reg. of Writs, fol. 58. b.

Non Residence (Anno 28 Hen. 8. cap. 13.) Is applied to those Spiritual Persons, that are not Resident, but do absent themselves by the space of one Moneth together, or two Moneths at several times in one year, from their Dignities, Prebends, or Benefices. For Regularly, Personal Residence is required of Ecclesiastical Persons upon their Cures. See 2 Part Inst. fol. 625.

Non solvendo pecuniam, ad quam Clericus multatur pro non Ressidencia, Is a Writ prohibiting an Ordinary to take a pecuniary mulct, imposed upon a Clerk of the Kings for Non-residency. Reg. of Writs, fol. 59.

Non-sute, (i. Non est Praesolutus, &c.) Is a Renunciation of the Sute by the Plaintiff or Demandant, most commonly upon the discovery of some Error or Defect, when the Matter is so far proceeded in, as the Jury is ready at the Bar, to deliver their Verdict. Anno 2 Hen. 4. cap. 7. See the New Book of Entries, verbo, Nonsute. The Civilians term it *Litis renunciationem*.

Non-tenure, Is an Exception to a Count, by saying, That he holdeth not the Land mentioned in the Count, or at least some part of it. Anno 25 Edw. 3. stat. 4. cap. 16. West. par. 2. Symb. tit. Fines, sect. 138. Mentions Non-tenure general, and Non-tenure special: This, is an Exception, alleging that he was not Tenant the day whereon the Writ was purchased; General, is, where one denies himself ever to have been Tenant to the Land in question. See New Book of Entries, aerbo, Non tenure.

Non sum informatus. See Informatius non sum.

Non sane memorie (Non sane memoria) Is an Exception taken to any Act, declared by the Plaintiff or Demandant to be done by another, and whereon he grounds his Plain or Demand: And the effect of it is, that the party that did that Act, was mad or not well in his wits when he did it, or when he made his last Will and Testament. See New Book of Entries, tit. Non sane memoria. See Non compos mentis.

Nones (None) In March, May, July, and October, are the six days next following the first day, or the Calends. In other Moneths they are the four days next after the first; but the last of these days is properly called Nones, and the other reckoned backward, according to the number distant from the Nones, as the third, fourth, or fifth Nones. They are called Nones, because they begin the ninth day before the Ides. Dates of Deeds by Nones, Ides, or Calends is sufficient. 2 Inst. fol. 675.

Non-term (Non terminus) Is the time of Vacation between Term and Term. It was anciently called *The times or days of the Kings Peace*. Lamb. Archæ: fol. 126. And what these were in the time of King Edward the Confessor, see there. See *Peace of God*, and the *Church*.

This time was called *Justicium* or *Feriae* among the Romans, or *dies nefasti*. *Ferias appellari notum est tempus illud*, quod forensibus negotiis & jure dicendo vacabat. Brisson. de verb. signif. lib. 6.

Book of Land (Noka terra) — Universis pateat, quod ego Johanna quæ fui uxor Walteri le Blount — tradidi — Henrico Adams unum Mes. & unam nokam terræ cum pertin. in villa de Momele, &c. Dat. apud Sedyngton, 5 Edw. 3.

Pozroy (Quasi, North-Roy, The Northern King) The third of the Three Kings at Arms, whose Office lies on the Northside of Trent, as Clarentius on the South; and is mentioned in the Stat. 14 Car. 2. cap. 33. See Herald.

Notary (Notarius) Anno 27 Edw. 3. cap. 1. Is a Scribe or Scrivener that takes Notes, or makes a short draught of Contracts, Obligations, or other Instruments. Clauf. 13 Edw. 2. m. 6. Schedula consuta eidem memb. de Notariis Imperialibus non admittendis.

Note of a Fine (Nota Finis) Is a Brief of a Fine made by the Chirographer, before it be engrossed: The form whereof see in West. par. 2. Symbol. tit. Fines, sect. 117.

Not guilty. See Non est culpabilis.

Novale (Ex Cartulario Abbathie de Furness in Com. Lanc. in Officio Ducat. Lanc. fol. 41. b.)

Item nota quod Novale est ager nunc primum præcisus, ut extra verborum significacionibus innotata, ubi Glossa dicitur Novale, terra de Novo ad culturam redatta, cuius non extat memoria quod fuisset ibidem: Et quod Novale semel fuit, semper erit Novale, quoad deciminarum reversionem vel solutionem. Land newly ploughed or converted into Tillage. — Excepta decima Novalium cuiusdam terra, quam de novo excuerunt. Pat. 6 Edw. 3. pa. 1. m. 19.

Nobel Assignment (Nova Assignatio) Is in an Action of Trespass, an Assignment of Time, Place, or such like, in a Declaration more particularly than it was in the Writ. Broke, tit. Deputy, num. 12. And Trespass. 122. See Assignment.

Noples (Anno 21 Jac. cap. 18) — No person shall put any Flocks, Noyles, Thums, Hali, or other deceivable thing into any broad Wollen Cloth, &c.

Nude Contract (Nudum Pactum) Is a bare Contract or Promise of a thing, without any consideration given therefore: Ex quo non oriatur Actio.

Nude Matter. See Matter.

Nummata terra, Is the same with Denariata terra, by some taken to be an Acre. Sciatis me (Wil. Longespe) dedisse & concessisse Ecclesia Sanctæ Marie de Walsingham & Canoniciis ibidem des servientibus in perpetuam Eleemosinam 40 Nummatas terra in Walsingham, &c. See Farding dele.

Puncipative Will. See Will.

Numm (Nonna) Signifies a holy or consecrated Virgin, or a Woman that hath by vow bound her self to a single or chaste life, in some place, or company of other Women, separated

ted from the World, and devoted to a special Service of God by Prayer, Fasting, and such like holy Exercises. *Cowell.*

Puper obiit. Is a Writ, that lies for a Co-heir, being deforced, by her Coparcener of Lands or Tenements, whereof their Grand-father, Father, Uncle, or Brother, or any other, their common Ancestor, died seised of an estate in Fee-simple. See the form of the Writ in *Reg. of Writs*, fol. 226. and *Fitz. Nat. Br. fol. 197.* If the Ancestor died seised in Fee-tail, then the Coheir deforced shall have a *Formdon*. *Ibidem.*

Nusance (from the Fr. *nûre*, i. *nocere*) Signifies not only a thing done to the *annoyance* of another in his free Lands or Tenements, but the Assize or Writ lying for the same. *Fitz. Nat. Br. fol. 183.* And this Writ *De Nocumeto* or of *Nusance*, is either simply, *De Nocumeto* or *De parvo Nocumeto*; and then it is *Vicounties*. *Old Nat. Br. fol. 108.* *Britton* (cap. 61. § 62.) calls it *Nusance*. *Manwood* (p. 2. cap. 17.) makes three sorts of *Nusance* in the Forest; the first is, *Nocumensum commune*; the second, *Nocumensum speciale*; the third, *Nocumensum generale*, of which, read there. See *Cokes fifth Report, Williams Case. Writs of Nusances*, see the Stat. 6 Rich. 2. cap. 3. Now much turned into *Trespasses* and *Actions* upon the *Case*.

O.

O. Ni. —The course of the Exchequer is, That as soon as a Sheriff enters into his account for Issues, Amerciaments, and Mean Profits, to mark upon his Head. *O. Ni.* which signifies *Oneratur, nisi habeat sufficientem exoneracionem*, and presently he becomes the Kings debtor, and a *Debet* set upon his Head; whereupon the parties *peravite* are become debtors to the Sheriff, and discharged against the King. *4 Inst. fol. 116.*

Dale-gabel. See *Gavelsester*.

Dategabel. See *Gavel*.

Oath (*Juramentum*) Is a calling Almighty God to witness that the Testimony is true; therefore it is aptly termed *Sacramentum*; a Holy Band, a Sacred Tye, or Godly Vow. And it is called a *Corporal Oath*, because the party when he swears, toucheth with his right hand the *Holy Evangelists* or Book of the *New Testament*. *Coke 3 Part. Inst. cap. 74.* See the several *Oaths* of many of the Officers of this Kingdom in the *Book of Oaths* lately Printed. In a Deed of *William de Elmban Knight*, in French, Dat. 19 April, 49 Edw. 3. is this old fashioned *Oath*, —*Promettant per la foye de mon Corps & de Chivalerie, que si Dieu moy' voille me faire en saute, Sc. ieo delivera les avantditz sommex, Sc. M. Penes Will.* *Dugdale*, *Ax.*

Obedientia, Was a Rent, as appears by *Hovedens Annals, parte postea*, fo. 430. *Ut ergo eis, (scil. Regularibus) admittatur opportunitas evagandi, prohibitus, ne redditus quos obedientias vocant, ad firmam teneant.* —In the Cannon Law it is used for an Office, or the administration of it. Whereupon the word *Obedientiales* in the Provincial Constitutions is used for those who have the execution of any Office under their Superiors, *ca. 1. de statu Regular.* It may be some of these Offices called *Obedientia*, consisted in the Collection of Rents, or Pensions, and that therefore those Rents were by a Metonymy called *Obedientia, quia colligebantur ab obedientialibus*. *Concil. Eboracens. Anno 1195.*

Obit, (Anno 1 Edw. 6. ca. 14. and 15 Car. 2. ca. 9.) A Funeral Solemnity, or an Office for the Dead, most commonly performed at the Funeral, when the Corps lie in the Church uninter'd: Also the *Anniversary-Office*. *Croke 2 Part, fo. 51. Hollowayes Case.* It was held 14 Eliz. *Dyer 313.* That the tenure of *Obit*, or *Chantry Lands* held of Subjects is extinct by the Act of 1 Edw. 6.

Oblata, Properly Offerings. But, in the Exchequer it signifies old Debts, brought, as it were together from precedent years, and put to the present Sheriffs charge. See the *Practice of the Exchequer*, pa. 78, Also Gifts or Oblations made to the King by any of his Subjects; which were so carefully heeded in the Reigns of King John and Henry the Third, that they were entered in the *Fine Rolls* under the Title *Oblata*; and, if not paid, estreated, and put in charge to the Sheriffs; concerning which, you may see *Mr. Fabian Philips Book of the Antiquity and legality of the Royal Purveyance*, *Sir Henry Spelmans Glossary*, and *Mr. Prins Aurum Regina*.

Oblations, (*Oblationes*, in the *Canon-Law*) are thus defined, *Dicuntur quacunque piis fideliibusque Christianis offeruntur Deo & Ecclesia, sive res solida sive mobiles sunt.* See *Spel. 2. Concil. To. 1. fo. 393. Anno 12 Car. 2. ca. 11.*

Obligation, (*Obligatio*) Is a Bond containing a penalty, with a condition annexed for payment of Money, performance of Covenants, or the like; And a *Bill* is commonly without penalty, and without condition; yet a Bill may be Obligatory. *Coke on Litt. fo. 172.*

Obligor, Is he that enters into such an Obligation; and, *Obligee* is he to whom it is entered into. Before the coming in of the Normans, (as we read in *Ingulphus*) Writings Obligatory were made firm with golden Crosses, or other small signs or marks; But, the Normans began the making such Bills and Obligations with a Print, or Seal in Wax, set to with every ones special Signet, under the express entailing of three or four Witnesses. In former time many Houses and Lands thereto passed by Grant and Bargain without Script, Charter, or Deed, only with the Landlords Sword or Helmet, with his Horn or Cup: yea, and many Tenements were demised with a Spur or Currycomb, with a Bow, or with an Arrow. See *Wass.*

Oblata

Obolata terra, Is (in the opinion of some Authors) half an Acre of Land; but others hold it to be but ha'f a Perch. *Thomafus fayes, Obolum terra* contains ten foot in length, and five in breadth. See *Fardingdeal*.

Obventions, (Obventiones) Offerings: 2 Inst. fo. 661. Also Rents, or Revenue, properly of Spiritual Livings. Anno 12 Car. 2. ca. 11. — *Margeria Marecalla Comitissa de Warewyke universis Sancta matris Ecclesie filiis, &c. dedi — omnes obventiones, tam in decimis majoribus & minoribus, quam in aliis rebus de assartu de Wigenoc & decimam pannagii & venationis de Wigenoc & de Rinsell, &c.* MS. penes Will. Dugdale Ar.

Occupant. If Tenant per terme dauer vie dies, living cestuy que vie; he that first enters shall hold the Land during that other mans life, and he is in Law call'd an *Occupant*, because his title is by his first occupation. And so, if Tenant for his own life grant over his Estate to another, if the Grantee dies, there shall be an *Occupant*. Coke on Litt. ca. 6. Sect. 56. and *Bulstrods Rep.* 2 Part. fo. 11, 12.

Occupation, (Occupatio) Signifies the putting a man out of his Freehold in time of War, and is all one with *Diffeſion* in time of peace, saving that it is not so dangerous. *Coke on Litt.* fo. 249. b. Also Use, or Tenure, as we say, such Land is in the Tenure or Occupation of such a Man, that is, in his possession or management. See *Terre Tenant*. Also *Trade* or *Occupation*. 12 Car. 2. ca. 18. But, *Occupations*, in the Stat. de Bigamis, ca. 4. are taken for Usurpations upon the King; and, it is properly, when one usurpeth upon the King, by using Liberties or Franchises, which he ought not to have; As an unjust entry upon the King into Lands and Tenements, is called an *Intrusion*, so an unlawful using of Franchises is an *Usurpation*; but, *Occupations* in a large sense, are taken for *Purprestures*, *Infrasions*, and *Usurpations*. 2 Inst. fo. 272.

Occupabit, Is a Writ that lies for him, who is ejected out of his Land or Tenement in time of War; As, a Writ of *Novel Diffeſion* lies for one ejected in the time of Peace.

Octabe, (Octavus) The eighth day after any Feat inclusively. See *Vtas*.

Oto tales. See *Tales*, & *Brook tit. Oto Tales*.

Odio & atia, (Anno 3 Ed. 1. ca. 11.) anciently called *Breve de bono & malo*, is a Writ sent to the under-Sheriff, to enquire, whether a Man, being committed to Prison, upon suspicion of Murder, be committed upon *Malice*, or *Ill-will*, or upon just suspicion. Reg. of *Writs*, fo. 133. b. See *Braſton*, lib. 3. Part. 2. cap. 20. and Stat. 28 Edw. 3. ca. 9. *Atia* was anciently written *Hatia*, or *Hatya*, for *Hate*, not *Atia*, *qua Malitia est acida*, as Sir Edw. Coke has it in his 9 Rep. fo. 506. and in 2 Inst. fo. 42. See *Spel. on Atia*.

Office, (Officium) Signifies not only that Function, by virtue whereof a man has some employment in the affairs of another, as of the

King, or other person; But also an Inquisition made to the Kings use of any thing by virtue of his Office, who enquireth. Therefore we often read of *an Office found*, which is such a thing found by Inquisition, made *Ex Officio*. In which signification 'tis used *Anno 33 Hen. 8. ca. 20*, and in *Stamf. Prerog.* fo. 60, & 61. where to *Traverse an Office*, is to Traverse an Inquisition taken of *Office* before an Escheator. And in *Kitchin*, fo. 177. to return an *Office*, is to return that which is found by virtue of the *Office*. See also the new Book of Entries, *verbo*, *Office pur le Roy*; And this is by a Metonymy of the effect. In this signification there are two sorts of Offices issuing out of the Exchequer by Commission, viz. An *Office* to entitle the King in the thing enquired of, and an *Office* of *Injunction*, which is read in *Cokes Rep. Pages Case*.

Office in Fee, Is that, which a Man hath to him and his heirs, Anno 13 Ed. 4. ca. 25. *Kitchin*, fo. 152. See *Clerk*.

Oferhynesſe & Oberberneſſa. — *Si autem post excommunicationem & satisfactionem venerint, forisfacturam suam, que Anglice vocatur Oferhynesſe seu Cabſite, pro unaquaque vocazione Episcopo suo reddant.* Concil. Win-tonia temp. Lantranci Archiepif. Anno 1076. See *Glos. in x. Scriptores*, *verbo*, *Overberneſſa*.

Official, (Officialis) Signifies him, whom the Arch-deacon substitutes for the executing his Jurisdiction, as appears by the Statute 32 Hen. 8. ca. 15. In the Canon-Law it is he, to whom any Bishop does generally commit the charge of his Spiritual Jurisdiction; And, in this sense one in every Diocese is *Officialis principalis*, whom our Statutes and Laws call *Chancellor*; the rest, if there be more, are by the Can-non-Law called *Officialles foranei*, but by us *Commissaries*. The word is also by some modern Civilians applied to such as have the sway of temporal Justice.

Officialis non faciendis vel amobendis, Is a Writ directed to the Magistrates of a Corporation, willing them not to make such a man an *Officer*, and to put him out of the *Office* he hath, until enquiry be made of his Manners, according to an Inquisition formerly ordained. Reg. of *Writs*, fo. 126. b.

Dfgangfordel. — *Eantque (rei) ad triplex Judicium, quod Angli Dfgangfordel vocant.* Conſtit. Canuti de Foreſta, ca. 11.

Oleron Lawes, or the Sea-Lawes of Oleron, So called, because they were made by King Richard the First when he was there, and relate to maritime affairs. *Coke on Litt.* fo. 260. b. This *Oleron* is an Island, which lies in the Bay of *Aquitaine*, at the Mouth of the River *Charent*, belonging now to the French King. See *Seldens Marc Claufum*, fo. 222, & 254. And *Pryns Animadversions on 4 Inst.* fo. 126.

Olympiad, (Olympias) The space of five years; by which King Ethelbert, in a certain Charter of his computed the years of his Reign—*Consentientis, signo sancte Crucis subscripti in Olympiade 4 Regni mei.* Spelm.

Dinerando pro rata portionis. Is a Writ that lies for a Joint-tenant, or Tenant in Common, that is disfreined for more Rent, then the proportion of his Land comes to. *Reg. of Writs*, fo. 182. b.

Donus importandi. i. The burden, or charge of importing, mentioned in the Stat. 12 Car. 2. Art. 28.

Donus probandi, i. The burden or charge of proving, Anno 14 Car. 2. ca. 11.

Open Law, (*Lex manifesta, lex apparet*) Is making of Law, which (by *Magna Charta*, ca. 28.) Bailiffs may not put men to, upon their own bare assertions, except they have witnesses to prove their imputation. See *Law*.

Openthes, i. Open theft. *Quodam placita vel criminis emendari non possunt, qua sunt Husbrech, Bernet, Openthes, Eberemord, and Lafordswic, &c.* LL. Hen. 1. ca. 13.

Ora — *Ego frater Nigellus De gratia Abbas Bermonie, dedi, in Capitulo nostro & omnes fratres mei in eum, terram de Ocovere, Ormaz, hac conventione, ut unquam anno nobis xx xz horas persolvat, & proinde factus est hom. noster, &c fine dat.* This was Saxon-Money, or Coin, which valued xvi d. a piece, and often found in *Domesday*.

Orchel, (Anno 1 Rich. 3. ca. 8.) *Orchal*, (Anno 24 Hen. 8. ca. 2. and 3 & 4 Edw. 6. ca. 2.) Seems to be a kind of Cork.

Oydef, or **Oydefels,** (*Effosio materiei metallicae vel ipsius metalli*) from the Sax. *Ope, Metallo & Velpan*, *Effodere*, Is a word often found in Charters of Priviledges, and is taken for a liberty, whereby a Man claims the *Ore* found in his own ground. It properly signifies *Ore*, lying under-ground; As a *Delf* of Coal is Coal lying in veins under-ground, before it is digged up.

Oydel, (Sax. *Opðœl*. Lat. *Ordalium*,) Signifies great Judgment, from the Sax. *Op*, *Magnum & deal*, *Judicium*. It was used for a kind of Purgation practised in the time of *Edward the Confessor*, and since even to King *John* and *Henry the Thirds* time, whereby the party purged was judged, *Expers criminis*, called in the Canon-Law, *Purgatio vulgaris*. LL. *Edw. Conf. ca. 9.* There were two sorts of it, one by Fire, another by Water; *Liber per ferrum candens, ruficrus per aquam*. Glany. lib. 14. ca. 1. pa. 114. This *Ordalian Law* was condemned by Pope *Stephen the Second*, and (to use Sir *Edward Cokes* words) *Fuis ouste per Parliament, come appiert Rot. Paten. de Anno 3 Hen. 3. Membr. 5.*

Henricus (3) *Dei Gratia Rex*, &c. *dilectus & fidibus suis Philippo de Wecot & Sociis suis Jusificariis itinerantibus in Comitatu Cumberland, Westmerland, and Lancaster, Salutem. Quia dubitatum fuit & non determinatum ante inceptionem itineris vestri, quo Judicio deducendi sunt illi qui rectati sunt de Latrocinio, Mordio, incendio & bii similibus, cum prohibitus sit per Ecclesiam Romanam Judicium Ignis & Aquæ; Provisum est a Concilio nostro, ad præsens, ut in hoc Itinere, sic fiat de rectatis de hujusmodi excessibus,*

viz. *Quod illi qui rectati sunt de criminibus prædictis majoribus, & de eis habeatur suspicio quod culpabiles sint de eo unde rectati sunt (de quibus etiam licet Regnum nostrum abjurarent adhuc suspicio esset quod postea malefacerent) teneantur in Prisone nostra, & salvo custodiantur, ita quod non incurvant periculum vita vel membrorum occasione prisona nostra. Illi vero qui mediis criminibus rectati fuerint & quibus competenter Iudicium Ignis vel Aqua, si non esset prohibitum, & de quibus, si regnum nostrum abjurarent, nulla fuerit postea malefaciendi suspicio, Regnum nostrum abjurant. Illi vero qui minoribus rectati fuerint criminibus, nec de eis fuerit malus suspicio, salvos & securos plegios inventiant de fidelitate & pace nostra conservandis, & sic dimittantur in terra nostra. Cum igitur nihil certius provideris in hac parte Consilium nostrum ad præsens, relinquimus discretioni vestrae hunc Ordinem prædictum observandum in hoc itinere vestro, ut que personas hominum, formam delitti, & ipsarum rerum veritatem melius cognoscere poteritis, hoc Ordine secundum discretiones & Conscientias vestras in hujusmodi procedatis. Et in cuius Rei Testimonium, &c. Teste Domino P. Wintmense Episcopo apud West. 26 die Ian. Anno regni nostri tertio. Per eundem & H. de Bargo Jusificarium. See Spelman at large upon this subject, fo. 436. Coke, lib. 9. de Strata Marcella. and *Sax.* Ditt.*

Ordinance of the Forest, (*Ordinatio Forestæ*) Is a Statute made in the 34 year of Ed. 1. touching Foret-matters. See *Affise*.

Ordinary, (*Ordinarius*) Though in the Civil Law, whence the word is taken, it signifies any Judge that has authority to take Cognisance of Causes in his own right, as he is a Magistrate, and not by delegation; yet in our Common Law it is properly taken for the Bishop of the Diocese, or he that has ordinary *Iurisdiction* in Causes Ecclesiastical, immediate to the King and his Courts of Common-Law, for the better execution of Justice. *Coke on Litt. fo. 344. West. 2. ca. 19.* — *31 Edw. 3. ca. 11.* and *21 Hen. 8. ca. 5.*

Ordinatione contra serbientes, Is a Writ that lies against a Servant, for leaving his Master against the Statute, *Reg. of Writs*, fo. 189.

Osgild, (from the Sax. *Opf, Pecu, & Gild. Solutio vel redditio*) A delivery or restitution of *Cattel*: But *Lambert* sayes, 'tis a restitution made by the Hundred or County, of any wrong done by one that was in pledge. *Archa. pa. 125.* or rather a penalty for taking away of *Cattel*.

Ofraries, (*Aurifrisum*) Frized Cloth of Gold, made and used in England, both before and since the Conquest, worn by our Kings and Nobility, as appears by a Record in the Tower, where the King commands the *Templars* to deliver such Jewels, Garments, and Ornaments as they had of His in keeping, among which he names *Dalmaticum velatum de Orefreis*. i. A Dalmatic, or Garment, guarded with *Ofraries*. And of old the *Jacquets*, or Coat armors of the

the Kings Guard were also termed **Dyfrates**; because adorn'd with Goldsmiths work.

Dyallous, Reclius, Orguillous, (from the French *Orgueil*, i. Pride) Proud, Haughty, Lofty-minded. *Art. against Card. Woolsey.* 4 Inst. fo. 89.

Dykeis, (Anno 31 Edw. 3. Stat. 3. ca. 2.) Is the greatest sort of North-sea-fish; (for the Statute says, They are greater then *Lob-fish*) In these dayes called *Organ Ling*, which is a corruption from *Orcbney*, the best being taken near that Island.

Dyginalia, In the Treasurers Remembrancers Office in the Exchequer, are Records, or Transcripts sent thither out of the Chancery; and are distinguish'd from *Recorda*, which contain the Judgments and Pleadings in Sutes tryed before the *Barons*.

Dytelli, Signifies the Claws of a Dogs foot, from the Fr. *Orteils des peids*, i. *Digitii pedum*, the Toes. ²Tis used in *Pupilla oculi*, Chapt. de *Char. Forest.* par. 5. ca. 22.

Dymonds, (Anno 32 Hen. 8. ca. 14. and I find in *Spelmans Glost.* mention of a last of *Offmonds*;) Is that Oar, or Iron-Stone, of which Iron is made, and it seems was anciently brought into England.

Dyck, (Anno 24 Hen. 8. ca. 13.) A kind of Collar, or Neck-lace of Gold, or such like ornament, worn by women about their necks: Sometimes used for a boss or button of Gold.

Duersametta. *Si quis furi obviaerit, & sine viceratione gratis cum dimisisti, emendet secundum Veram ipsius furis, vel plena lada se adlegiet, quod cum eo falsum nescivit: si quis audito clamore supersedit, reddat Duersametta regi, aut plene se laidiet.* Lib. rub. ca. 36. This seems to have been an ancient Penalty or Fine (before the Statute for *Hue and Cry*) laid upon those, who, hearing of a Murder or Robbery, did not pursue the Malefactor. 3 Inst. fo. 116: and to be the same, which is elsewhere written *Obertegenesse*, and *Duersenesse*. See *Gylt-wite*.

Duelty of services, Is equality of services; as, when the Tenant paravail owes as much to the *Mesn*, as the *Mesn* does to the *Lord Paramount*. *Fitz. Nat. Br.* fo. 136. So *Owelt* of partition. *Coke on Litt.* fo. 169.

Obert-act, (*Apertum factum*) An open, plain, evident act, 3 Inst. fo. 12. which must be manifestly proved.

Obert word, (*An. 1 Mar. Seff. 2. ca. 3.*) An open, plain word; from the Fr. *Ouvert*.

Duster le main, (Fr. *Oster la main*, i. To take off the hand) Signifies a Livery of Lands out of the Kings hands, or a Judgment given for him that Traversed, or sued a *Monsfrance le droit*; For, when it appear'd, upon the matter discussed, that the King had no right nor title to the Land he seised, Judgment was given in Chancery, that the Kings hands be amoved, or taken off, and thereupon *Amoveas manum* was awarded to the Escheator, to restore the Land, &c. *Stamf. Prærog.* ca. 24. It is written *Oter le maine*, 25 Hen. 8. ca. 22. But now all Ward-

ships, Liveries, Primerseifins, and *Ouster-mains*, &c. are taken away and discharged by 12 Car. 2. ca. 24.

Duster le mer, (Fr. *Oulre*. i. Ultra, & *le mer*, mare,) Is a cause of excuse, or essoin, if a man appear not in Court upon Summons, for that he was then beyond the Seas. See *Eſſoin*.

Dusted, (From the Fr. *Oſſer*, to remove, or put out) As, *ouſted* of the poſſeſſion, (Pecks Case. Mich. 9. Car. 1. 3 Part Crokes Rep. fo. 349.) that is, removed, or put out of poſſeſſion.

Dutfangthef, (from the Sax. *Uſt*, i. Extra, Fang, i. *Capio vel Captus & þeof*, i. *Fur, quaſi fur extra capiſſus*,) Is a liberty or priviledge, whereby a Lord is enabled to call any man (dwelling in his Fee, and taken for Felony in another place,) to Judgment in his own Court. *Rastals Expos. of Words.* Anno 2 & 2 P. & Ma. ca. 15. Per *Dutfangthef* Edwardus Sutton miles Dominus de Dudley, &c. clamat quod quandoque aliquis latro, qui est homo ipsius Edwardi de Dominio suo prædicto, de aliqua felonie convictus fuerit, pro quo suspensi debeat, in quacunque Curia idem felo sit convictus; ducatur ad furcas ipsius Edwardi per Ministros suos, & ibidem suspendatur. Pl. in *Itin. apud Cestriam.* 14 Hen. 7.

Dutlaw, (Sax. *Utlaghe*. Lat. *Utagatus*.) Significat bannium extra legem. *Fleta*, lib. 1. ca. 47. one deprived of the benefit of the Law, and out of the Kings protection. *Foris facit utlagatus omnia qua pacis sunt;* quia a tempore quo utlagatus est caput gerit lupinum, ita quod ab omnibus interfici posſit & impune; maxime si se defensor vel fugerit, &c. *Braſton*, lib. 3. Tract. 2. ca. 11. num. 12. & 3. see *Utlary*. But, in the beginning of *Edward the Thirds Reign*, it was resolved by the Judges, that it should not be lawful for any man, but the Sheriff onely, (having lawfull warrant therefore) to put to death any man *Outlawed*. *Coke on Litt.* fo. 128. b. See *Capias utlagatum*.

Dutparters, (Anno 9 Hen. 5. ca. 8.) A kind of Theives in *Ridesdale*, that took Cattel or other Booty without that liberty: Others think they were such as lay in wait for robbing any Man or Houſe. See *Intakers*.

Dut-riders, Are Bailiffs errant, employ'd by Sheriffs, or their Deputies, to ride to the farthest places of their Counties or Hundreds, with the more speed to Summon persons into their County, or Hundred Courts. Anno 14 Edw. 3. Stat. 1. ca. 9.

Dweltly. See *Ouclty*.

Dygang of Land, (*Bovata terra*) is commonly taken for fifteen Acres; Six *Dygangs* of Land are as much as six Oxen will Plough. *Cromp. Jurisd.* fo. 220. *Bovatus terra*, i. *Quantum sufficit ad iter vel actum uniuersi bovis*. *Et enim est bos: gang vel gate, iter.* See *Coke on Litt.* fo. 69. a.

Dyer and Terminer, (Fr. *Ouir & Termiñer*) Is a Commission especially granted to certain persons, for the hearing and determining one or more causes. This was wont in former times

times to be only in use upon some sudden Outrage or Insurrection in any place. See *Cromp. Jurisd.* fol. 131. and *Westm.* 2. cap. 29. who might grant this Commission. And *Fitz. Nat. Br.* fol. 100. for the form and occasion of the Writ, and to whom it is to be granted. And *Brook hoc titulo.* A Commission of Oyer and Terminer is the first and largest of the five Commissions, by which our Judges of Assize do sit in their several Circuits. See *Assise.* In our Statues it is often Printed *Oyer and Determiner.* See 4 *Inst. fol. 162.*

Oyer de Record (*Audire Recordum*) Is a Petition made in Court, that the Judges for better proof sake, will be pleased to hear or look upon any Record. So likewise to demand *Oyer of a Bond, Deed, or Covenant.*

O Yes (a corruption from the Fr. *Oyez, i. Hear ye*) Is well known to be used by the Cryers in our Courts, when they make Proclamation of any thing.

P.

Pagium. *Matth. Paris, fol. 769.* *Feeit equos meos & homines restare donec Pagium extoriset.* *Paegium,* scil. five telonium extum pro transitu per alterius ditionem, says the *Glos.*

Pack of Wool is a Horse-load, Which consists of Seventeen Stone, and two pound. *Fleta, lib. 2. cap. 12.* See *Sarplas.*

Packers (*Anno 15 Car. 2. cap. 14.*) Are those that barrel or pack up Herrings, and they are to be sworn to do it according to the said Statute.

Packing Whites (*Anno 1 Rich. 3. cap. 8.*) A kind of Cloth so called.

Pacification (*Pacificatio*) *Anno 17 Car. 1. cap. 17.* A peace-making, quieting, or appeasing; relating to the Wars betwixt England and Scotland, *Anno 1638.*

Pannage. The same with *Pannage.* In *Charia Regis Hen. 1. Ecclesiae S. Martini de Bello.*

Pagaments. A sort of Frize-cloth so called; I finde it in the Journal Book of the Lords House of Parliament, in a Statute of 1 Eliz. not Printed.

Pain fort & dur (Fr. *Peine fort & dure*) Signifies an especial punishment for those, that being arraigned of Felony, refuse to put themselves upon the ordinary triall of God and the Countrey, and thereby are mute, or such in Interpretation of Law. This is founded upon *Westm. 1. cap. 12.* Note, that this strong and hard pain shall be in this manner inflicted.

HE shall be sent back to the Prison whence he came, and laid in some low, dark House, where he shall lie naked on the Earth, without any Litter, Rushes, or other Clothing, and without any

Rayment about him, but onely something to cover his Privy-members; and he shall lie upon his Back with his Head covered, and his Feet; and one Arm shall be drawn to one quarter of the House with a Cord, and the other Arm to another quarter; and in the same manner it is to be done with his Legs, and then there is to be laid upon his Body Iron and Stone, so much as he may bear or more; and the next day following, he is to have threes Morsels of Barley-bread without Drink, and the second day Drink three times, and as much at each time as he can drink of the Water, next to the Prison door, except it be Running Water, without any Bread: And this is to be his Diet until he die. *Stansf. Pl. Cor. lib. 2. cap. 60.*

Pais. (Fr.) A Countrey or Region. *Trial per pais, quod non intelligendum est de quavis populo, sed de Compagnisibus, hoc est, eorum qui ex eodem sunt Comitatu, quem maiores nostri pagum dixerunt, & incolas inde Pais;* & in vel y converso. Spelmans Glossar.

Palatin. See *County Palatine.*

Palfrey (*Palfridus, Palafredus, & Palefridus, Fr. Palefray.*) *Insignioris equi genus, nempe qui ad pomparam aut bonorem vellorum manus ducitur, vulgo Palfrey, ex Gal. Par le frain.* And sometimes of old taken for a Horse for a Womans Saddle. *W. Fauconberge tenebat Mancium de Cukeney in Com. Nott. in Sergentia, per servitium ferrandi (of shooing) Palefredum Regis,* quando Rex venerit ad Mansfeld; says Camden, out of an ancient Inquisition. See *Coke on Litt. fol. 149.*

Palfrey-silber. —*Custumam ibidem (i. at Belvoir Castle) vocat. Palfrey-silber, que levari debet annuatim de Villis de Bottesford Normanton, Herdeby, &c. & aliis Hamletis, Eschaet 23 Edw. 3. Post mortem Gul. de Reos de Hamlake.*

Palingman. (*Anno 22 Edw. 4. cap. 23. and 11 Hen. 7. cap. 23.*) Seems to be a Merchant Denizen; one born within the English Pale.

Palls (*Anno 25 Hen. 8. cap. 20.*) Are Pontifical Vestures made of Lambs Wool, in breadth not exceeding three Fingers, and having two Labels hanging down before and behinde, which the Pope gives or sends to Archbishops and Metropolitans, who wear them about their necks at the Altar, above their other Ornaments. The Pall was first given to the Bishop of Ostia by P. Marcus the Second, *Anno 336.* And the Preface to an ancient Synod here in England, wherein Odo, Archbishop of Canterbury presided, begins thus —*Ego Odo humili & extremus, divina largiente clementia, almi Praesulii & Pallii bonore ditatus, &c.* Seldens Hist. of Tithes, p. 217.

Palmystry (*Anno 1 & 2 Phl. & Ma. cap. 4.*) A kinde of Divination practised by looking on the Lines and Marks of the Fingers and Hands; a deceitful art used by Egyptians, mentioned in the said Statute, and there misprinted *Palmystry.*

Palmata.

Palmata. A handful. *Johannes Dei gratia, Rex Anglie. Sciatis nos pro amore Dei concessisse — Leprosis S. Egidii de Salopesbiria, quod habeant Palmatas bladi & farina de omnibus saccis, qui cum blado & farina exponuntur ad vendendum in mercato Salopesbiria, tam diebus mercati quam aliis, sicut eas habuerunt tempore Hen. Regis, Patris nostri, de dono & elemosyna ejusdem Regis, sc. de uniuersitate sacco bladi Palmatam duarum manuum, & de sacco farina, palmatam unius manus, sicut eas habuerunt de dono & elemosyna predicti Regis, diebus suis, & sicut eas modo habent & habere debent. Quare volumus, &c. Dat per manum S. Praepositi Beverlaci & Archidi. Wellensis apud Wude-stoke six. die Marcii anno Regni nostri quinto.*

Pandoxatrix. —Item uimur de Pandoxatricibus, quod nemo potest brasare sine pandoxave in Villa & Burgo nostro, nisi per redemptiō-nem aliquam factam ad voluntatem Comburgen-sium nostrorum, & si talis Pandoxatrix brasaverit & Assūam Domini nostri Regis in Burgo & Villa positam & Proclamatam fregerit, Tunc debet per Balivos americii ad voluntatem Balivorum nostrorum, & non per pares suos primo & secundo, & tertio Vice Assūam fregerit, debet capi per Balivos Capitales, & publice Duci ad locum ubi situatur le Gogingstole, & ibi debet eligere unum de duobus, viz. An recte le Gogingstole ascendere, an illud iudicium redimere ad voluntatem Balivorum. Ex Codice MS. de Legib[us], Statutis & Consuetudinibus liberi Burgi Ville de Mountgomery, a tempore Henr. 2. fol. 12. b. In Goldmans Dictionary, I finde Pandox, for a Drunkard, or Swilbowl, and Pandexatrium, a Brew-house: But Pandoxatrix here seems to signify an Ale-wife, that both brews and sells Ale or Beer.

Panel. (Fortescu de legibus Angl. cap. 25. And Coke on Littl. pag. 158. b. write it Panel-lum in Latine; but Sir H. Spelman says, Hoc minus congrue, and deduces it from Pagella; & in transiectu, sic veteres quidam magnificat pro magnificat) A Schedule or Page; as a Panel of Parchment, or a Counterpane of an Inden-ture: But it is used more particularly for a Schedule or Roll containing the names of such Jurors, as the Sheriff returns, to pass upon any Trial. *Reg. of Writs*, fol. 223. a. *Kitchin*, fol. 226. And the Empanelling a Jury, is the en-tring their names by the Sheriff into a Panel, or little Schedule of Parchment, in Panello Affizie. Anno 8 Henr. 6. cap. 12.

Haud recte D. Coke in *Gloss. ad Littl. sect. 234.* who says, **Panel** is an English word, and signifies a little part; for a Panc is a part, and a Panel is a little part, &c. Thus Spelman on the word *Panella*.

Pannage or Pawnage (Pannagium, Fr. Panage & Pasnage). Signifies alimentum, quo^d in Sylvis Coligant pecora, ab arboribus dilapsum, as Mast of Beech, Acorns, &c. Also the Money taken by the Agitors for the Food of Hogs, with the Mast of the King's Forest. *Cromp. Jurist. fol. 155.* *Westm. 2. cap. 23.* **Pannage** (says Mansuod), is most properly the Mast of the

Woods or Hedge-rows, or the Money due to the owner of the same for it. And Linwood de-fines it thus, *Pannagium est pastus pecorum in nemoribus & in sylvis, utpote de glandibus & aliis fructibus arborum sylveticium, quarum fructus aliter non solent colligi.* Tit. de Decimis. Mentioned also *Anno 20 Car. 2. cap. 3.* *Quisque Villanus habens 10 porcos, eat usum porcum de Pasnagio. Domesday, tit. Leoninie in Henepeſcipe.* This word, in ancient Charters, is thus variously written, Pannagium, Panagi-um, Pasnagium, Pathnagium, Patnagum, and Paunagium.

Pape (Papa, from the old Gr. Παπᾶς, signifying a Father) Was anciently applied to some Clergy-men in the Greek Church; but by usage is particularly appropriated in the Latin Church to the Bishop of Rome, otherwise called the Pope. A name very frequent in our ancient Year Books, especially in the times of those Kings, who, too much abandoning their Imperial Authority, suffered an Outlandish Bishop, that dwelt One thousand miles off, to take from them the disposition of many Spiritual Preferments, sometimes by *Lapse*, sometimes by *Pro-vision*, or otherwise. For redress whereof divers Statutes were made, whilst this Kingdom was of the Roman Communion; but his whole power was not taken away here, till towards the later end of Henry the Eighth's Reign.

Parage (Paragium.) See *Parcinerie*.

Paramount (Compounded of two French words, Par, i. per, and monter, ascender) Signifies the highest Lord of the Fee. For there may be a Tenant to a Lord, that holds over of another Lord; the first is called *Lord Mest*; the second *Paramount*. *Fitz. Nat. Br. 125.* *M. Some hold that no Man can simply be Lord Paramount; but only the King; for he is Patron Paramount to all the Benefices in England.* Doctor & Student, cap. 36. See *Mest*.

Paraphanalia (in the Civil Law *Parapher-ilia*) Are those Goods which a Wife, besides her Dower or Joynure, is after her Husband's death, allowed to have; as furniture for her Chamber, wearing Apparel, and Jewels, if she be of quality. Which are not to be put into her Husband's Inventory, especially in the Province of York. See *Tyuchstone of Wills*, fol. 201.

Parabail (quasi, per avale) Signifies the lowest Tenant, of him that is immediate Tenant to the Land; and he is called *Tenant Parabail*, because it is presumed he hath profit and avail by the Land. *2 Inst. fol. 296.* See *9 Rep. Cony's Case*.

Parcella terra, A parcel or small piece of Land. *Sciatis quid ego Stephanus Wington de Bromyord Dedi Roberto de Dunumpton, pro trigesima solidi argenti una parcellam terrae meae cum pertinet: jacet in Bromyord, Et. Sine Dat.*

Parcel-maker. Is an Officer in the Ex-chequer that makes the parcels of the Escheators accounts, wherein the Escheators charge themselves with every thing they have levied for

the Kings use, since they came in Office, and deliver the same to one of the Auditors of the Court, to make up the Escheators account therewith. See *Practice of the Exchequer*, pag. 99.

Parceners (*quasi, Parcellers, i. Rem in Parcellas dividens*). See *Coparceners*.

Parcinerie (*Participatio, from the Fr. Partir, i. Dividuum facere.*) Signifies a holding of Land *Pro indiviso*, or by Joynement, otherwise called *Coparceners*: For, if they refuse to divide their common inheritance, and chuse rather to hold it joynly, they are said to hold in *Parcinery*. *Litt. fol. 56 & 57.* In *Domesday* it is thus said, *Duo fratres tenuerunt in Parcagio, quisque habuit aulam suam, & potuerint ire quo voluerint.*

Pardon (Fr.) Is most commonly used for the remitting or forgiving a Felonious, or other offence committed against the King, and is twofold; one *Ex gratia Regis*, the other, *Per cours de ley*. *Stamp. Pl. Cor. fol. 47.* The first is that, which the King, in some special regard of the person, or other circumstance, gives, by his absolute Prerogative or Power. The other is that which the King granteth, as the Law and Equity persuades, for a light offence; as Homicide casual, when one kills a Man, having no such intent. See *New book of Entries*, verbo, *Pardon*.

Park, (*Parca*) Fr. *Parc.*) Is a quantity of ground enclosed, and stord with wild beasts, *tam sylvestres, quam campestres*; which a man may have by prescription, or the Kings Grant. *Crom. Juris. fo. 148.* A Park differs from a Chase or a Warren; for, a Park must be enclosed; if it lie open, it is a good cause of seizure of it into the Kings hands, as a free Chase may be if it be enclosed; and, the owner cannot have an Action against such as hunt in his Park, if it lie open. See *Forest*. — *Guliel. Conq. giberam fecit Ecclesiam de Bello de opere Parco- gum. Spel. vide 13 Car. 2. ca. 10.*

Paro fracto, Is a Writ that lies against him, who violently breaks a Pound, and takes out Beasts thence, which for some trespass done were lawfully impounded. *Reg. of Writs*, fo. 166. and *Fitz. Nat. Br. fo. 100.*

Park-bote, Is to be quit of enclosing a Park, or any part thereof. *4 Inst. fo. 308.*

Parish, (*Parochia*) Signifies the precinct, or territory of a Parish-Church, and the particular charge of a secular Priest; For, every Church is either *Cathedral*, *Conventual* or *Parochial*. *Cathedral* is, where there is a Bishop seated, so called a *Cathedra*; *Conventual* consists of Regular Clerks, professing some Order of Religion, or of Dean and Chapter, or other Society of Spiritual men; *Parochial* is that, which is instituted for the saying of Divine-Service, and Ministring the Holy-Sacraments to the People dwelling within the Parish, or a certain compas of ground, and certain Inhabitants belonging to it. Our Realm was first di-

vided into Parishes by *Honorius Arch-bishop of Canterbury*, in the year of our Lord 636. *Cam. Brit. pa. 160.* who reckons 9284 Parish-Churches under Bishops in England, but other Authors differ in the number.

Parle-hill. *Collis vallo plerunque munitus in loco campestri, ne infideli exponatur, ubi convenire olim solebant Centuria aut vicinia incola ad lites inter se tractandas & terminandas. Scottis ror Crith-hall. q. Mons pacificationis, cui Alys privilegia concedebantur. Vide Stat. Will. Regis Scot. ca. 5. Sect. 1. Et in Hibernia frequentes vidimus, the Parle and Parling-hills. Spel.*

Parliament, (*Parliamentum*, from the Fr. *Parler, loqui*) Is the great Assembly of this Kingdom, consisting of the King and the three Estates of the Realm, viz. The *Lords Spiritual*, the *Lords Temporal*, and the *Commons*, for the Debating of Matters touching the Commonwealth, and especially the making and correcting Laws; which Assembly or Court is of all other the highest, and of greatest Authority, as you may read in *Sir Tho. Smith de Repub. Angl. & Cam. Britan. pa. 112.* *Si vetustatem spectes, est antiquissima, si dignitatem, est honorissima, si jurisdictionem, est capacissima. Coke on Lit. lib. 2. ca. 10. Sect. 164.* And see his fourth Part *Inst. ca. 1.* This great Assembly was anciently called *Commune Concilium Regni Angliae*. As in an ancient Charter of King John — *Nullum Scutagium vel auxilium ponam in regno nostro, nisi per Commune Consilium regni nostri, &c.* The first Parliament in England, (according to *Sir Richard Baker*), was held at *Salisbury*, 19 April, 16 Hen. 1. But see *Cotonii Postbuma*, fo. 15. and 2 Inst. fo. 268. where there is mention of Parliaments held long before that time.

The Abbot of *Croyland* was wont to call a Parliament of his Monks to consult about the affairs of his Monastery. *Croylandensis libri bac sunt verba, — Concessimus etiam tunc Serientium nostra Ecclesia Semanno de Lek; qui veniens coram Conventu, in nostro publico Parlamento, similiter juramentum prestitit, quod fidelis & fidelis nobis existet, & Officium, &c.* And at this day the Community of the two Temples, or Inns of Court, do call that Assembly, *A Parliament*, wherein they consult of the common affairs of their several Houses. See *Crom. Jurisd. fo. 1.* See *Royal assent*.

Parliamentum insanum, (so called in History) was a Parliament held at *Oxford*, *Anno 41 H.3. MS. in Bibl. Cotton sub tit. Vitellius. C. 9.*

Parliamentum indecorum, Was a Parliament held at *Coventry*, 6 Hen. 4. Whereunto, by special precept to the Sheriffs, in their several Counties, no Lawyer, or person skil'd in the Law, was to come; and therefore it was so called: *Walsingb. pa. 412. n. 30. Rot. Parl. 6 Hen. 4.*

Parol, (Fr.) Is used in *Kitchin*, fo. 193. for a *Pea* in Court; and being joyn'd with *Lease*, as *Lease parol*, or *Lease per parol*, is, a *Lease* by

by word of mouth, contradistinguis'd from one in writing.

Parson, (Persona) Signifies the Rector of a Church; because he for his time represents the Church, and sustains the *person* thereof, as well in suing, as being sued in any action touching the same. See *Fleta*, lib. 9. ca. 18. *Charita Hugonis Pusac*, (*alias Pudsey & de Puteaco*) tempore Hen. 2. Hugo dei Gratia Dunelmensis Episcopus omnibus Archidiacaonis suis Clericis & laicis Episcopatus sui salutem. *Sciatis nos ad Praesentationem Roberti Capellani in Ecclesiam de Witefield, quæ in feudo suo sita est, Canonice impersonasse Robertum nepotem suum.* Quare volumus & præcipimus quatenus idem Robertus habeat & teneat Ecclesiam prænominatione libera & quiete, tam in decimis quam in ceteris obventionibus, sicut aliqui Clerici liberius & quietius in Episcopatu nostro Ecclesias suas teneant; *Salvis in omnibus Episcopilibus consuetudinibus. Testibus, &c.* Endorsed thus, *Praesentatio Roberti de Quiefield.*

Parson imparsonee, (Persons impersonata) Is the Rector that is in possession of a Church Parochial, be it presentative or impropriate, and with whom the Church is full; For, in the *New Book of Entries*, verbo, *Ayd in Annuity*, you have these words, *Et prædictus A. dicit quod ipse est Persona prædicta Ecclesia de S. impersonata in eadem ad presentationem E. Patronisse, &c.* So that Persona seems to be the Patron, or he that has right to give the Benefice, by reason, that before the *Lateran Council*, he had right to the Tythes in respect of his liberality in erecting or endowing the Church, *Qua si sustineret personam Ecclesie;* & Persona impersonata, he to whom the Benefice is given in the Patrons right. For, in the *Reg. of Writs judicial*, fo. 34. b. Persona impersonata is used for the Rector of a Benefice presentative and not appropriated; and *Dyer*, fo. 40. num. 72. says the Dean and Chapter, are Parsons impersonators, of a Benefice appropriated to them; who also (fo. 221. num. 19.) plainly shews, that persona impersonata is he that is inducted, and in possession of a Benefice. So that Persona seems to be termed *impersonata*, only in respect of the possession he has of the Benefice or Rectory, be it appropriate or otherwise, by the act of another, *Coke on Litt. fo. 300. b.*

Parters of Gold and Silber. See *Finers*.

Partes Finis nihil habuerunt, &c. Is an exception taken against a Fine levied. *Cokes Rep. lib. 3. Case of Fines.*

Particata terra. See *Perficata terra*.

Partitione facienda, (Anno 31 Hen. 8. ca. 1.) Is a Writ that lies for those, who hold Lands or Tenements *pro indiviso*, and would sever to every one his part, against him or them that refuse to join in partition, as *Cuparceners*, or *Tenants in Gavelkind*. *Old Nat. Br. fo. 142. Fitz. Nat. Br. fo. 61. and New Book of Entries*, verbo *Partitione*.

Dorset. Placita de Juratis & Affiss. Anno 16 Edw. 1. Metingh.

Edwardus Kaynel, *Maria filia Roberti de Camma* Johannes Bereket & Matilda uxor ejus & Johanna soror ejusdem Matilda petunt versus Johannem Alfridum de Warham unum Tofium cum periis in Warham, de quo Johannes Gerard, consanguineus preditorum Edwardi, Maria, Matilda & Johanna cuius heredes ipsi sunt, fuit seistitus in dominico suo, ut de feodo, die quo obiit, &c. unde dicunt, &c.

Et Johannes venit & dicit, quod tenementa in Warham sunt partibilia inter masculos & feminas, & dicit quod prædictus Edwardus habet quasi-dam Gunnoram, Matildam, Christianam, Aluredam & Eusemiam sorores & participes ipsius Edwardi & aliorum petentium, & qua tantum jus habent in re petita sicut, &c. & qua non nominantur in brevi, &c. & Edwardus & alii non possunt hoc dedicare: Ideo consideratum est quod prædictus Johannes cat inde sine die, &c.

Partie-Jury, (Anno 14 Car. 2. ca. 11.) See *Medietas lingue*.

Partlet, (Anno 24 Hen. 8. ca. 13.) Was a kind of Band to wear about the necks both of Men and Women, now out of use.

Parbise. See *Pervise*.

Parbo notamento, Is a Writ. See *Nurance*.

Paschal Kents, Are rents or yearly tributes paid by the inferior Clergy to the Bishop or Arch-Deacon at their *Easter-Visitation*; called also *Synodals*, which vide.

Passage, (Passagium) Is a French word signifying *transitum*, *meatum*. In the Statutes 4 Edw. 3. ca. 7. and Westm. 2. ca. 23. It signifies the hire that a man pays for being transported over-Sea, or over any River. *Charita, Hen. 1. de libertat. London.* — *Et omnes res eorum per totam Angliam, & per portus maris de Theolonio & Pallagio & Lastago, & omnibus aliis consuetudinibus. Per Passagium clamat esse quiet. de omnibus passagiis in Com. Cestrie & Flint pro omnibus carrebus, caris, equis, servientibus & summariis suis oneratis.* *Pl. in Itin. apud Cestriam, 14 Hen. 7.*

Pascua. See *Pasture*.

Pascuage, (Pascuagium, Fr. Pascage,) Grazing, Feeding, or Pasturing of Cattel. — *Et habere virginis porcos quietus de pascagio, & juvalem ad panem suum & ad cibos coquendos, &c.* *Carta Ric. de Muntfichet Priorat. de Tremhale in Mon. Angl. 2 par. fo. 23. a.* Also the same with *Pannage*.

Passagio, Is a Writ directed to the Keepers of the Ports, to permit a man to pass over Sea, who has the Kings Licence. *Reg. of Writs, fo. 193. b.*

Passe-port, (compounded of two French words, *Passer*, i. Transire; & *Port*, i. Portus,) Signifies a Licence granted by any person in Authority, for the safe passage of any Man from one place to another. *Anno 2 Ed. 6. ca. 2*

Pasture,

Pasture, (Pastura) — Differunt *Pascua* & *Pastura*; nam *Pastura* omni genus pascendi significat, sive fiat in pratis, sive in stipula, sive in agris, sive in campis; sed *pascua* est locus principaliter deputatus pecoribus pascendis, ut puta in montibus, moris, mariscis & planis non cultis nec aratis. *Lindewode lib. 3. Provin. Angl. tit de Decimis, cap. 1. Quoniam.*

Patents, (Litera patentes.) Differ from *Vitis*, *Crom. Jur. fol. 126.* The Coronet is made by *Writ*, not by Patent. See *Letters Patent* in the Table of the Register, where you shall find the form of divers.

Patentee, Is he, to whom the King grants his *Letters-Patent*. *Anno 7 Ed. 6. cap. 3.*

Patria, Pro Compagnisibus. Sic in Legum formulis, ubi dicitur inquiratur per Patriam. Et *Affilia vel recognitio per Affilam*, idem est quod *recognitio Patriae*. See *Bona patria*.

Patron, (Patronus.) Both in the Canon and Common Law, signifies him that has the gift of a Benefice; because the gift of Churches and Benefices originally belonged to such good men, as either built them, or endowed them with some great part of their revenue. *Patroni in Iure Pontificio dicuntur qui aliquius Ecclesie extruens, aut alterius cuiuscunq[ue] fundationis Ecclesiasticae. Autobres fuerunt, ideoque presentandi & offerendi Clericum jus habent, quem Ecclesia vacanti praesesse, & in ea collate redditibus frui velint, &c.* *Conclusus in Paraphr. ad Sacerdot. Materia. Par. i. cap. 2. & Par. 4. cap. 6.* Patron, in the Civil Law is used for him that hath manumitted a servant; and with the Feudists it is used pro *auctore feudi*. *Hottoman, verbo, Patronus.*

Pabiage, (Rus. Pat. 10 Edw. 3. m. 22.) Money paid towards the Paving of Streets or High-ways.

Pawnage. See *Pannage*.

Pax Dei. See *Peace of God*.

Pax Ecclesia, Dicitur, cum salva sunt Ecclesia omnia Privilegia & immunitates, servii, famuli, ministri, &c. Vide *LL. Edw. Confess. cap. 8.*

Pax Regis, The Kings Peace. — Nam longe debet esse Pax Regis a parte sua, ubi residens fuerit & quatuor partibus loci illius, hoc est quatuor militaria & tres quarentena, & novem acra latitudine, & novem pedes, & novem palma, & novem grana bordoi. *Multus, &c. LL. Edw. Confess. cap. 12. & LL. Hen. i. See Peace of the King.*

Peace (Pax) In the general signification is opposite to War or Strife; but particularly with us, it signifies a quiet and inoffensive carriage or behavior towards the King and His people. *Lamb. Erceth. lib. 1. cap. 2. & 28. 7.* Where any Man goes in danger of harm from another, and makes oath of it before a Justice of Peace; he must be secured by good Bond, which is called *Binding* to the Peace. See *Grimpons Just. of Peace, fol. 118. usque 129.* And see *Frank-pledge* and *Conservator of the Peace*. Time of Peace, is when the Courts of Justice are open, and the Judges and Ministers of the

same may by Law protest Men from wrong and violence, and distribute Justice to all. *Coke on Littl. fol. 249. b.*

Peace of God, and the Church (Pax Dei & Ecclesia) Was anciently used for that rest and cessation, which the Kings Subjects had from trouble and sue of Law between the *Tenures*. See *Vacation*. *Pax Dei, Tempus dicitur cultui divino adhibitum, eaque appellatione omnes Dies Dominicis festis & Vigiliae censeruntur. Spel.*

Peace of the King (Pax Regis). Anno 6 Rich. 2. stat. 1. cap. 17. Is that Peace and Security, both for Life and Goods, which the King promiseth to all His Subjects, or others, taken to his Protection. See *Suit of the Kings Peace*. There is also the *Peace of the Church*, for which see *Sanctuary*, and the *Peace of the Kings High-way*, which is the immunity that the Kings High-way hath from annoyance or molestation. See *Waiting street*. The *Peace of the Plough*, whereby the Plough and Plough-Cattle are secured from Distresses; for which, see *Fitz. Nat. Br. fol. 90.* So Fairs may be said to have their *Peace*; because no Man may in them be troubled for any Debt, elsewhere contracted.

Pectozel (14 Car. 2. cap. 3.) Armor for the Breast, a Breast-plate, or Petrel; from the Lat. *Pectus*, a Breast.

Peculiar (Fr. Peculiar, i. private, proper, ones own) Is a particular Parish, or Church, that hath jurisdiction within it self, for Probate of Wills, &c. exempt from the Ordinary and Bishops Courts. The Kings Chappel is a *Regal Peculiar*, exempt from all Spiritual Jurisdiction, and reserved to the Visitation, and immediate Government of the King himself, who is suprem Ordinary. It is an ancient Privilege of the See of *Canterbury*, that whereforever any Mannors or Advowsons do belong to it, they forthwith become exempt from the Ordinary, and are reputed *Peculiars*, and of the Dioceses of *Canterbury*.

Pecunia was anciently used for Cattle, and sometime for other Goods, as well as Money. — *Interdicimus etiam ut nulla viva Pecunia vendantur aut emantur nisi infra civitates, & hoc ante tres fideles testes. Emendat. Wilts. 1. ad Leges Edw. Confess.* — *Qui habuerit 30 denariatus viva Pecunia. And in Domesday Pecunia is often used pro Pecule.*

Pedage (Pedagium & Pedaticum) Signifies Money given for the passing by Foot or Horse through any Country. *Pupilli Oculti parte 9. cap. 7.* *Pedagium a pede dictum est, quod a transiuntibus solvant, &c. Cassani de Cons. Burgos. pag. 118.* *Pedago dicuntur qua dantur a transiuntibus in locum constitutum a Principi. Spel.*

Pier (Pera, Fr. Pierre, Saxum, quod e saxis fieri solebat) Is a Foxtrot made against the force of the Sea, or great Rivers, for the better security of Ships that lie at Harbor in any Haven. So is the Pier of Dover described in *Car. Britan. pag. 259.* *Anno 14 Car. 2. cap. 27.*

Pérage,

Péage, The Dignity of the Lords or Peers of the Realm; also, An Imposition for maintenance of a Sea-Peer.

Pars (*Pares*) Are those that are empanelled in an Enquest upon any Man, for the convicting or clearing him of any offence, for which he is called in question. And the reason is, because the custom of our Nation is, to try every Man in this case by his equals or Peers. *Westm. 1. cap. 6.* So *Kitchin* useth in fol. 78. in these words — *Mais si le amerciement soit assuré per pares*. — But this word is chiefly used for those that are of the Nobility of the Realm, and Lords of the Parliament. *Statut. Pl. Cor. lib. 3. cap. Trial per les Peers.* The reason whereof is, because, though there be a distinction of degrees among our Nobility, yet in all publick actions they are equal, as in their voices in Parliament, and in passing upon the tryal of any Nobleman.

Pegen. See *Forathe*.

Pein fort & dure. See *Pain fort & dure*.

Pelte (*Peltia*) — *Tho. Venables Arm. Clamat (quod si aliquis tenetur, sive resident, infra Dominum sive Mancrum de Kinderton feloniam fecerit, & corpus ejus per ipsum Thomam super factum illud captum, & conficit fuerit) habere Pelfram: Viz. Omnia bona & cattalla bujusmodi scire: Et ea quæ Domino Comiti pertinent ad Castrum Cestrie presentare, & habere omnia invent. domestica, & de omni genera boum, vaccarum, boviculorum, juvencarum, pororum, bidentium unum viz. melius: Et si de aliquo genere non habuerit nisi unum, clamat habere illud unum, cum aliis minutis animalibus, ut galli, gallini, avis & bujusmodi, & omnes pannos tallias, & attanatos, & omnes carnes attanias. & totum brasium infra unum quartierum, & omnia blada inventa infra unum quartierum; & de quilibet tasso bladi clamat habere Groundstal integrum cuiuscunq[ue] tassi, & totum plumblum extra fornacem, & omnia rasa lignea, omnes mappas, manutergis, & omnia ad lectum person. linea & lanca, & omnes carretas ferro non ligatas, & omnes carrucas cum tota apparura, &c.* *Plac. in Itin. apud Cestriam 14 Hen. 7.*

Pellota (*Fr. Pelote*) The Ball of the Foot: *Tali autem expeditatio (viz. canum) fiat per assidam communiter usitatam, viz. quod tres ortelli, absindantur, sive pellota de pede anteriori.* *Char. de Foresta, cap. 7.* See *Cokes Insti. 4 part. fol. 308.*

Peltwool, Is the Wool pulled off the Skin or Pelt of a dead Sheep. *Anno 3 Hen. 6. cap. 22.*

Penigeldum, Denarii aliquibus ex quaeris conjectusine pro facultate aliqua, vel privilegio habendo, puta in foresta aut alibi Spel.

Penistons, A certain coarse Woollen Cloth, mentioned *Anno 43 Eliz. cap. 10.*

Penne. See *Bay*.

Pennon (*Fr. Pennon*) A Standard, Banner, or Ensign carried in War. *Anno 11 Rich. 2. cap. 1.*

Pension (*Pensio*) That which in the Two Temples, is called a *Parliament*, in Lincolnse

Inn, a Council; in *Greys-Inn*, is called a *Pension*; that is, an Assembly of the Members of the Society, to consult of the Affairs of the House. And *Pensions* are in the *Inns of Court*, certain annual payments of each Member to the House.

Pension-Writ. When a *Pension-Writ* is once issued, none, sued thereby in an Inns of Court, shall be discharged or permitted to come in Commons, till all duties be paid. *Order in Greys-Inn.* Whereby it seems to be a Writ issued out against those of the Society, who are in arrear for *Pensions*, and other duties.

Pentecostals (*Pentecostalia*) Were certain pious Oblations made at the Feast of Pentecost, by Parishioners to their Parish Priest, and sometimes by Inferior Churches or Parishes, to the Principal Mother-Church. Which Oblations were also called *Whitsun Farthings*, and were divided into four parts; one to the Parish Priest, a second to the poor, a third for repair of the Church, and the fourth to the Bishop. *Stephens of Procurations and Pentecostals.*

Peny (*Sax. Penig*) Was our ancient current Silver. *2 Inst. fol. 575.* — *Et quod sint quieti de omnibus misericordiis, & Warda, & Ward-peny. Averpeny, & Hundred-peny, Lithering-peny, & Woorthal-peny, & de omnibus operibus Castellarum, Pontium, &c. Char. Hen. 7. Ab. & Convent. Eccles. S. Petri Westm. Anno 19 Regini.*

Per, cui & Post. See *Entry*.

Perambulation of the Forest, Is the Surveying or walking about the Forest, or the utmost limits of it, by certain Justices or other Officers thereto assigned, to set down the Metes and Bounds thereof, and what is within the Forest, and what without. *Anno 17 Car. 1. cap. 16.* And *20 Car. 2. cap. 3.* See *4 Inst. fol. 30.* And see *Purlieue*.

Perambulatione Facienda, Is a Writ, that is sued out by two, or more Lords of Mannors, lying near one another, and consenting to have their bounds severally known; and is directed to the Sheriff, commanding him to make *Perambulation*, and to set down their certain limits. See *Fist. Nat. Br. fol. 133.* And the *New Book of Entries*, verbo, *Perambulatione facienda*.

Perabail. See *Paravall*.

Perch (*Perica*) Is used with us for a Rod or Pole of Sixteen foot and a half in length, whereof Forty in length, and four in breadth, make an Acre of Ground. *Cromp. Juris. fol. 222.* But several Counties differ herein, as in *Staffordshire* Twenty-four foot; in the Forest of *Sherwood* Twenty-five foot go to the Perch. In *Herefordshire* a Perch of Walling is Sixteen foot and a half; a Perch of Ditching Twenty-one foot, &c. See *Skene*, verbo, *Pericata terra*. In *Hortore de Montgomery terra assartanda per Perticam Regis 24 Pedum.* *Clauf. 11 Hen. 3. m. 6.* In *Forest de Cank Pertica 25 Pedum.* *Int. Plac. Hill. 10 Edw. 2. Staff. 36.* See *Pes Forester*. — *Per Perticam 20 Pedum in Foresta nostra de Closterden. Mon. Angl. 2 Par. fol. 273. b.*

Ccc

Per.

Pardonatio utlagariz, Is a pardon for him, who, for contempt in not coming to the Kings Court, upon His Command and Process, is outlawed, and afterwards of his own accord yields himself to Prison. *Reg. of Writs*, fol. 28. *LL Edw. Conf.* cap. 18. & 19.

Pere & Pite. *Si quis autem contra primarium pugnacavit, in placito emendes secundum pretium sui ipsius, quod Angli Pere & Pite dicunt, & solvat primario 40 sol. Constat. Canuti de Foresta*, cap. 17. *Rectius autem Were & Witc, Saxonice pepe & pite*. See *Were*.

Peremptorij (*Peremptorius*) Joyned with a Substantive, as Action or Exception, signifies a Final and Determinate Act, without hope of renewing or altering. So *Fitzherbert* calls a *Peremptory Action*. *Nat. Br.* fol. 35. & 38. And *Non sunt Peremptory*, fol. 5. A *Peremptory Exception*. *Braeton*, lib. 4. cap. 20. *Smith de Repub. Angl.* calls that a *Peremptory Exception*, which maketh the State and Issue in a Cause.

Perinde balere, Is a Dispensation granted to a Clerk, who being defective in his capacity to a Benefice, or other Ecclesiastical Function, is *De Facto*, admitted to it. And it takes appellation from the words, which make the faculty as effectual to the party dispensed with, as if he had been actually capable of the thing, for which he is dispensed with, at the time of his admission. *Anno 25 Hen. 8. cap. 21.* it is called a *Writ*.

Perjury (*Perjurium*) *Eft mendacium cum juramento firmatum*; Is a crime committed, when a lawful Oath is ministered, by any that hath authority, to any person in any Judicial proceeding, who sweareth absolutely and falsely in a matter material to the Issue or Cause in question, by their own act, or by the subornation of others. And if a Man call me *Perjur'd Man*, I may have my Action upon the Case; because it must be intended, contrary to my Oath, in a Judicial proceeding; but for calling me a *Forsworn Man*, no Action lies, because the forswearing may be *Extra judicial*. *Cokes Inst. 3 Part. fol. 163. 23 Hen. 8. cap. 3.* Excepted out of the Act of General Pardon, 12 Car. 2. cap. 8. How punished in Wales. *Anno 26 Hen. 8. cap. 4.* And 5 Eliz. cap. 9.

Per my & per tout, A Joynt-tenant is said to be seised of the Land he holds joynlytly *Per my & per tout. i.* He is seised by every parcel, and by the whole. *Littl. sect. 288. Totum tenet & nihil tenet, sc. totum conjunctim & nihil per se separatum*. *Braet. lib. 5. fol. 430.*

Permutatione Archidiocanatus & Ecclesie eidem annexa cum Ecclesia et Prebenda, Is a Writ to an Ordinary, commanding him to admit a Clerk to a Benefice, upon exchange made with another. *Reg. of Writs*, ful. 307.

Pernoz of Profits (From the Fr. *Preneur*, a Taker or Receiver) Is he that takes or receives the Profits. *Anno 1 Hen. 7. cap. 1. Pernour de profits, & cestis que use,* is all one. *Coke, lib. 1. Casu Chudley, fol. 123.* See the Statute 21 Rich. 2. cap. 15. And *Coke on Littl. fol. 589. b.*

Pernancy (from the Fr. *Prendre*, to take) A taking or receiving. *Tithes in Pernancy, i. Tithes taken, or that may be taken in kind*.

Per quia servititia, Is a Writ Judicial, issuing from the Note of a Fine, and lies for the Cognizee of a Mannor, Seigniory, Cheif Rent, or other Services, to compel him that is Tenant of the Land at the time of the Note of the Fine levied, to attorn to him. *West, part 2. Symbol. tit. Fines, sect. 126.* See the *New Book of Entries*.

Perquisite (*Perquisitum*) Signifies any thing gained by ones own industry, or purchased with ones own Money; contradistinguished from that which descends to one, from Father, or other Ancestor; as *Perquisitum facere, in Braeton, lib. 2. cap. 30. num. 3.*

Perquisites of Court, Are those profits that arise to the Lord of a Mannor, by virtue of his Court Baron, over and above the certain and yearly profits of his Land, as *Fines of Copiholds, Harlots, Amerciaments, Waiffs, Esfrays, &c.* *Perkins, fol. 20. & 21.*

Personable (*Personabilis*) Signifies as much as inabled to hold or maintain Plea in a Court: As, the Demandant was judged *Personable* to maintain this Action. *Old Nat. Br. fol. 142.* And in *Kyngin*, fol. 214. The Tenant pleaded, that the Wife was an alien born in *Portugal*, without the ligeance of the King, and Judgment was asked, Whether she should be answered. The Plaintiff saith, she was made *Personable* by Parliament, that is, as the *Civilians* would speak it, *Habere personam standi in judicio*. *Personable* is also as much as to be of capacity to take any thing granted or given. *Floueden, Casu, Colthirst, fol. 27. b.*

Personal (*Personalis*) Being joyned with things, Goods, or Chattels, as *Things personal, Goods personal, Chattels personal*, signifies any moveable thing belonging to any Man, be it quick or dead. So it is used in *West, par. 2. Symbol. tit. Indictments, sect. 58.* In these words. *Theft is an unlawful Felonious taking away another Mans moveable personal Goods.* And *Stamp. Pl. Cor. fol. 25. Contrectatio rei aliena* is to be understood of things *personal*, for in things real it is not felony, as the cutting a Tree is not Felony. See *Chattels*.

Personal Tithes, Are Tithes paid of such Profits as come by the Labor and Industry of a Mans person; as by buying and selling, gains of Merchandise and Handicrafts-men, &c. See *Tithes*.

Personalty (*Personalitas*) Is an abstract of Personal. *The Action is in the Personalty* (*Old Nat. Br. fol. 92.*) That is, brought against the right person, or the person against whom in Law it lieth.

Persons ne Prebendaries ne feront charges as Quinquimes, &c. Is a Writ that lies for *Prebendaries*, or other Spiritual Persons, being distrained by the Sheriff or Collectors of Fifteenths, for the Fifteenth of their Goods, or to be contributory to Taxes. *Fitz. Nat. Br. fol. 176. 1 mil. 177. 1 mil. 178. 1 mil. 179. 1 mil. 180. 1 mil. 181. 1 mil. 182. 1 mil. 183. 1 mil. 184. 1 mil. 185. 1 mil. 186. 1 mil. 187. 1 mil. 188. 1 mil. 189. 1 mil. 190. 1 mil. 191. 1 mil. 192. 1 mil. 193. 1 mil. 194. 1 mil. 195. 1 mil. 196. 1 mil. 197. 1 mil. 198. 1 mil. 199. 1 mil. 200. 1 mil. 201. 1 mil. 202. 1 mil. 203. 1 mil. 204. 1 mil. 205. 1 mil. 206. 1 mil. 207. 1 mil. 208. 1 mil. 209. 1 mil. 210. 1 mil. 211. 1 mil. 212. 1 mil. 213. 1 mil. 214. 1 mil. 215. 1 mil. 216. 1 mil. 217. 1 mil. 218. 1 mil. 219. 1 mil. 220. 1 mil. 221. 1 mil. 222. 1 mil. 223. 1 mil. 224. 1 mil. 225. 1 mil. 226. 1 mil. 227. 1 mil. 228. 1 mil. 229. 1 mil. 230. 1 mil. 231. 1 mil. 232. 1 mil. 233. 1 mil. 234. 1 mil. 235. 1 mil. 236. 1 mil. 237. 1 mil. 238. 1 mil. 239. 1 mil. 240. 1 mil. 241. 1 mil. 242. 1 mil. 243. 1 mil. 244. 1 mil. 245. 1 mil. 246. 1 mil. 247. 1 mil. 248. 1 mil. 249. 1 mil. 250. 1 mil. 251. 1 mil. 252. 1 mil. 253. 1 mil. 254. 1 mil. 255. 1 mil. 256. 1 mil. 257. 1 mil. 258. 1 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Perticata terra. Is the fourth part of an Acre; *Contines in integra superficie 40 Perticas.* See *Perc.*

Perticulas. The King granted to *Luke Magrin de Insula de Man Scholari*, quondam Eleemosinam vocatam **Perticulas**, ad sustentationem cuiusdam pauperis Scholari de Insula predicta ad excedend. Scholas, per Progenitores nostros, quondam Reges Angliae datam & concessam. Pat. 5 Hen. 4. m. 16.

Pertinens. Was anciently used Pro cognato vel consanguineo. — *Si quis cum pertinente sua jaceat, emendat hoc secundum cognitionis modum; sit terra, sit recta, sit omni pecunia.* LL. Canuti. MS. ca. 48.

Perbise, or Parbise. (*Pervisus*, *Parvisus*) non a *parvus* adiect sed a Gal. *le parvis*. — *Sed tunc placitantes* (i. Post meridiem) *Se deverunt ad Pervisum, & alibi consulentes cum Servientibus ad legem & aliis Consiliariis suis.* *Forfescu de laudibus LL. Angl.* ca. 51. p. 124. of which thus *Chaucer. Prolog.* 9.

A Serjeant at Law, ware and wise,
That often had been at the Parbise.

Nam ibi Legis-periti convenire, ut Clientibus occurserent, non ad tyrocinia Juris, quas Motas vocant, exercenda, sayeres Spelman. Selden (in his Notes on *Forfescu*, p. 56.) sayeres; It signifies an afternoons Exercise, or Moot for the instruction of young Students, bearing the same name originally with the *Parvisus* in Oxford. Mr. Somner sayeres *Pervise* signifies *Palatii atrium vel area illa, a fronte Aula Westm. hodie the Palace-pard, vulgo nuncupata.* See his *Gloss. in Scriptures, verbo, Triforum.*

Pes foeris. Notandum est quod Pes Forestae usitatus tempore Ric. Oysell in arrestantione rastorum, factus est, signatus & sculptus in pariete Cancellae Ecclesie de Edwyntstone & in Ecclesia B. Mariae de Nottingham; Et dictus Pes continet in longitudine octoducim Pollices. Et in arrestantione quorundam rastorum, Pertica 20, 21 & 24 pedum usus fuit, &c. Ex Regist. Abb. de novoloco in Com. Nott.

Pesage, (*Pesagium*) Custom paid for weighing Wares or Merchandise. MS. temp. E. 3. For *Pesa* we find used for *Pondus*; hence to *Pesite* or *Poise*, *Ponderare.*

Pessona, Mast. *Md. quod anno regni Regis Hen. filii Regis Job. 37. Dominus de Fretchevil & homines sui in bosco de Derley, apud Cruche, Pessonom, scil. glandes & nubes, virgis & curtis excusifuerunt; & querela inde deducta in Comitatu, &c. Anno gratiae. MCCLXIII. Mon. Angl. 2 Par. fo. 231. b. So tempore *Pessona* often occurs, for Mast-time, or the season when Mast is ripe; which, in Norfolk, they call Shacking-time. — *Quod habeat decem porcos in tempore de Pesson in bosco meo,* &c. fo. 113. 10.*

Pestarable wares. Seem to be such Wares or Merchandise as *pester*, and take up much room in a Ship. Anno 32 Hen. 8. ca. 14.

Peter-Cozne — Rex Athelstanus concessit Deo & beato Petro Ebor. & Colideis prædictis de

qualibet Caruca arante in Episcopatu Eboraci unam Travam bladi, Anno Domini 926; que usque in presentem diem dicitur **Peter-cozne.** Ex Reg. S. Leonardi Ebor. in Bibl. Cottoniana: fo. 5. 2.

Peter-pence, (*Denarii Sancti Petri*) otherwise called in the Saxon *Romefeoh*, i. The Fee of Rome, also *Rome-scot*, and *Rome-penning*;) was a Tribute given by Inas King of the West-Saxons, being in Pilgrimage at Rome in the year of our Lord 720, towards the maintenance of a Saxon-School, which was a Penny for every house. *Lamb. Expl. of Saxon words, verbo Nummus.* And fo. 128. in St. Edwards Laws, num. 10. thus — *Omnies qui habent 30 denariatus viva pecunia in domo sua, de suo proprio, Anglorum lege debet Denarium Sancti Petri, & legi danorum, dimidiam markam: Iste vero denarius debet summoniri in solemnitate Apostolorum Petri & Pauli, & colligi ad festivitatem, quia dicitur ad Vincula, ita ut ultra illum diem non detineatur,* &c. King Edgars Lawes, fo. 78. ca. 4. contain also a sharp constitution touching this matter. See *Rome-scot.*

St. Peter ad vincula, (Anno 4 Edw. 4. ca. 1. & 17 Ed. 4. ca. 5.) See *Gules of August.*

Petit cape. See *Cape.*

Petit larceny, (*Parvum latrocinium*) See *Larceny.*

Petit-treason, (Fr. *Petit trahison*. i. *Pruditio minor*) Is Treason of a lesser or lower kind; For, whereas High-Treason is an offence committed against the person of the King, and the security of the King and Commonwealth: *Petit-Treason* is, where a Servant kills his Master, a Wife her Husband, a Secular, or Religious Man his Prelate, Anno 25 Edw. 3. ca. 2. whereof see *Cromptons Just. of P.* fo. 2. And, for the punishment of it, the Stat. 22 Hen. 8. ca. 14.

Petition, (*Petitio*) Signifies in general a Supplication made by an Inferior to a Superior, and especially to one having Jurisdiction, Anno 13 Car. 2. ca. 5.

Petra lanx, A Stone of Wool. See *Stone.*

Petty-fogger, (from the Fr. *Petite*, Small; and Sax. *Fogepe*, A Wooer, Suiter, or Solicitor) A silly Advocate, a petty Attorney, or Lawyer; or rather a trouble-Town, having neither Law nor Conscience.

Pharos, A Watch-tower. — No man can build or erect Light-houses, Pharos, Sea-marks, or Beacons, without lawful warrant and authority. 3 Inst. fo. 204.

Philster. See *Filazer.*

Picards, A kind of great Boats of fifteen Tun or upwards, on the River Severn, mentioned 34 & 35 Hen. 8. ca. 9. Also a Fishers boat, Anno 13 Eliz. ca. 1.

Piccage, (*Piccamium*, from the Fr. *Piquer*. i. *Effringere, Effodere*) Money paid in Fairs to the Lord of the Soil, for leave to break the ground to set up Booths, Stalls or Standings.

Picrage,

Piccage. i. *Aliquis veniens ad forum nostrum de Rudham cum rebus iusti, & frangendo vel pilando aliquam placem in dicto foro, Prior habebit inde redempsonem.* Ex registro Priorat. de Cokesford.

Pickards. — *No Person shall use any Iron Cards, or Pickards, in roving any Woollen Cloth, upon pain to forfeit the same, and 12 s. for every offence.* Anno 3 & 4 Edw. 6. ca. 2.

Picle, alias **Pightel,** (*Pictellum & Pightsolum*) A small parcel of Land enclosed with a hedge, a little Close; perhaps from the Italian *Picciola*, i. *Minutus*; which the common people in some parts of England do usually call a *Pingle*.

Prepotender Court, (*Curia pedis pulverizans*) From the Fr. *Pied*, i. *Pes*, & *Poudreux*, i. *Pulverulentus*) Is a Court held in Fairs, to yield Justice to Buyers and Sellers, and for redress of all disorders committed in them. So called, because they are most usual in Summer, and Suyters to this Court are commonly Country Clowns with dusty feet; or, from the expedition intended in the hearing of Causes proper thereto, before the dust goes off the Plaintiffs and Defendants feet. Of this Court read the Statute 17 Edw. 4. ca. 2. 4 Inst. fo. 27. and Crompt. Jur. fo. 221. This among our old Saxons was called *Ceapung-gemot*, i. A Court for Merchandise, or handling matters of buying and selling. See *Justices of the Pavilion*.

Pig of Lead. See *Fother*.

Pike or Pick. See *Polein*.

Pille of Foddray, or Fouldrep, In the County of Lancaster, Anno 2 Hen. 6. ca. 5. seems to be a defence built on a Creek of the Sea, and called *Pile*, by the Idiom of the Country, for a *Pile* or *Fort*, built for the safeguard or protection of any place. This *Pile* was erected there by the Abbot of Fornesse in the first year of Edw. 3. *Cam. Brit. Rex* — *Dedimus Henrico Comiti Northumb. Insulam, Castram, Pelam & Dominium de Man*, &c. Rot. Pat. 1 Hen. 4. m. 36.

Pillory, (*Collifrigium, q. Collum stringens. Pilloria*, from the Fr. *Pilleur*, i. *Depiculator*) Is an Engin made of Wood to punish Offenders, well known. By the Statute of 51 Hen. 3. you may see who were then subject to this punishment. In the Laws of *Canutus*, ca. 42. it is called *Halsfange*. Sir Henry Spelman says, "is supplicii Machina ad ludibrium, magis quam pannam." — Item utimur tenere Statuta Pistorum omnino sicut antecessores nostri tenuerunt, viz. *Quod si Pistor in male agendo puniatur per tres vices, & si post terciam monitionem culpabilis inveneriatur, Balvi Capitales, si ipsum poterint invenire, ipsi capiant & pro toto puniant, & habebit usque & odibile Judicium de Collifrigio*, i. the **Pillory**. MS. Codex de LL. & Consuetud. Burgi-villa Montgom. a temp. Hen. 2. fo. 12. b. See *Healfange*.

Pioneers, (Fr. *Pionniers*, i. *Fossores*) Such Labourers as are taken up for the Kings Army,

to cast up Trenches, or undermine Forts. Anno 2 & 3 Ed. 6. ca. 20.

Pipe, (*Pipa*) Is Roll in the Exchequer, otherwise called the great Roll, Anno 37 Ed. 3. ca. 4. See *Clerk of the Pipe*. It is also a Measure of Wine or Oyle, containing half a Tun, that is, six score and six Gallons, An. 1 R. 3. ca. 3.

Pirate, (*Pirata*) Is now generally taken for one who supports himself by Pillage and predation at Sea, a Sea-rover. But, in former times the word was sometimes attributed to such person to whose care the Mole or Peer of any Haven, (in Latin *Pera*) was intrusted; and sometimes also taken *pro milite maritimo*, according to the learned *Spelman*, mentioned 13 Car. 2. ca. 6. and the punishment of them, Anno 28 Hen. 8. ca. 15.

Piscary, (Piscaria) From the Fr. *Pescharie*, i. *Piscatio*) Is a liberty of fishing in another Mans waters.

U Niversis presentes literas inspecturis Edmundus filius inclita recordationis Henr. Regis Anglia salutem. Sciatias nos dedisse & concessisse Henrico Howeyn de Hustoke/haether totam Piscariam nostram in flagno nostro supra molendinum suum de Hustoke/haether. Habendum, &c. In cuius rei Testimonium praesenti scripto, in modum Cyrographi confecto, nos & dictus Henr. sigillas nostra alternatis apposuimus. Dat. apud Tuttalib. per manum Hugonis de Gien Clerici nostri octavo die Julii, Anno regni Regis Edwardi germani charissimi xi. Penes Walterum Kirkham Blount Bar.

Pittance, (*Pitancia*) A small repast, or a little refection of Fish or Flesh. Joannes dei gratia, &c. Noverit, &c. nos assensum nostrum prebuisse, &c. de manerio de Mildenhall, quod manerium Sancto Edmundo, sicut jus suum concessimus, &c. ita quod qui, pro tempore sacrificia fuerit, 12 s. de redditu Altaris annuatim perfundat Hospitali S. Salvatoris quod est extra muros Sandi, Edmundi, &c. in usus pauperum, &c. & 40 s. ad refecionem monachorum, qui illis diebus officia divina pro defunctis celebrabunt, que refecatio Pittanca vocatur. Rot. Cart. de Anno 1. Regis Joh. pa. 2. Num. 115.

Pitching-pence, Is that Money, commonly a Penny, which is paid for pitching, or setting down every bag of Corn, or pack of any other Merchandise in Fairs or Markets.

Placard, (Fr. *Anno 2 & 3 Pb. & Ma. ca. 7.*) Is a Licence whereby a man is permitted to shoot in a Gun, or to use unlawful Games; In French it signifies a Table, wherein Laws, Orders, &c. are written and hung up. And *Placaert* in the Low-Dutch is an Edict or Proclamation.

Placeta, I have seen in several Deeds of Edward the Thirds dayes, Grants of *Placeta Mefusagii*, *Placeta prati*, & *Placeta pastura*; and seems to signify a Piece or Parcel, if of Lands; and a Place, if a House or Messuage.

Plaint, (Fr. *Plainte*, Lat. *Querela*) Is the propounding or exhibiting any action real or per-

personal, in Writing: So it is used in Brooke, tit. *Plaint in Assize*. And the party making this *Plaint* is called *Plaintiff*; *Kitsbin*, fo. 231.

Plate, A Hoy, or Water-Vessel so called. Anno 13 Eliz. ca. 15.

Plea, (From the Sax. *Pleo*, or *Pleoh*, i. *Juris actio*) Signifies that which either party al-leges for himself in Court, which from the Conquest was done in French, till Edward the Third ordained them to be pleaded in English, but to be entered and recorded in Latin, Anno 36. ca. 15. They are divided into *Pleas of the Crown*, and *Common-Pleas*; *Pleas of the Crown* are all Sutes in the Kings name against offences committed against his Crown and Dignity. Stamf. *Pl. Cor.* ca. 1. or against His Crown and Peace. *Smith de Repub.* Ang. lib. 2. ca. 9. And those seem to be Treasons, Felonies, Mis-prisions of either, and Mayhem, *Cokes 4 Part Inst.* ca. 10. — *Edward the First* enfeoffed *Walter de Burgo* in the Land of *Ulster* in *Ireland*, &c. excepting the *Pleas of the Crown*, to wit, Rape, *Forsai*, willful Firing, and *Treasure trove*. *Cam. tit. Ireland*. *Common-pleas* are those that are agitated between common persons; yet, by the former definitions those must comprise all other, though the King be a party. *Plea* may farther be divided into as many branches as Action, for they signify all one. Then is there a *Forrein Plea*, whereby matter is alledged in any Court that ought to be tryed in another. As if one lay Bastardy to another in a Court Baron, *Kitchin*, fo. 75. By the Law of *Scotland* four Crimes are called the four Points or *Pleas of the Crown*; *Willful Firing*, *Ravishing of Women*, *Murder* and *Robbery*, or *Riese*. *Skene*.

Pleas of the Sword, (*Placita ad gladium*) *Ranulph the Third*, Earl of *Chester* (2 Hen. 3.) granted to his Barons of *Cheeshire* an ample Charter of liberties, *Exceptis placitis ad gladium meum pertinentibus*, &c. Rot. Pat. in *archibus regis infra Castellum Cestriae*, 3 Ed. 4 m. 9. The reason was, because King *William the First* gave the Earldom of *Chester* to his Kinsman *Hugh*, commonly called *Lupus*, ancestor to this Earl *Ranulph*, *teneat ita libere per gladium*, *sicut ipse Rex Willielmus tenuit Angliam per Coronam*. And consonant thereto, in all Indictments for Felony, Murder, &c. in that County-Palatine, the Form was anciently — *Contra pacem Domini Comitis, Gladium & dignitates suas*.

Pledge, (*Plegius*) Fr. *Pleige*, i. *Fidejussion*) A Surety or Gage; and *Plegatio* was used for the act of suretship. *Pleiger auctum*, i. *Fidejubere pro aliquo*. *Glanville*, lib. 10. ca. 5. *Plegii dicuntur persona qui se obligant ad hoc ad quod qui eos mittit tenebatur*. *Grand Cuff. Norm.* ca. 60. This word *Plegius* is sometimes used also for *Frankpledge*, as in the end of *William the Conqueror's Laws*. *Omnis homo qui valuerit se teneri pro libero, sit in Plegio, ut plegius cum habeat ad justiciam, si quid offenderit*, &c. And these are called *capital pledges*. *Kitchin*, fo. 10. See *Frankpledge*, and 4 Inst. fo. 180.

Plegius acquietandis, Is a Writ that lies

for a Surety against him for whom he is Surety, if he pay not the Money at the day, *Fitz. Nat. Br.* fo. 137. *Reg. of Writs*, 158.

Plena satisfactura; And *Plena vita*. See *Forfeiture*.

Plenarty, Is an abstract of the adjective *plenus*, and is used in matters of *Benefices*; wherein *Plenarty* and *Vacation* are directly contrary. *Stamf. Pravog.* ca. 8. fo. 32. *W. J. M.* 2. ca. 5. Institution is a good *plenarity* against a common person, but not against the King, without induction. *Coke on Litt.* fo. 344.

Plebin, (*Plevina*, From the Fr. *Plewine*, i. A warrant, or assurance.) See *Replevin*.

Plite of Law, (*Anno 3 Ed. 4. ca. 5.*) Seems to be a Measure then in use, as *Yard* or *Ell* now.

Plonkets, (*Anno 1 Rich. 3. ca. 8.*) A kind of coarse Woollen Cloth, otherwise called *Vervise*.

Ploto-almes, (*Eleemosina aratrales*) Which was anciently 1 d. paid to the Church for every Plow-land. — *De qualibet Caruca juncta inter Pascha & Pentecosten unum denarium, qui dicitur Plou-almes*, 1. Par. Mon. Ang. fo. 256.

Plow-land, (*Carucata terra*) The same with a Hide of Land, which vide.

Plurality, (*Pluralitas*) *Anno 21 Hen. 8. ca. 13.* Morencife, or the having more than one; most applied to such Churchmen, who have more Benefices than one. *Selden in his Titles of Honor*, fo. 687. mentions also *Tri-lities* and *Quadrallities*.

Pluries, Is a Writ that issues in the third place, after two former Writs neglected or disobey'd. For, first goes out the *Original Writ*, which, if it speed not, then the *sicut ali-as*; and, if that fail, then the *Pluries*. See *Old Nat. Br.* fo. 33. in the *Writ de Excom. capiendo*. See in what diversity of cases it is used in the Table of the *Reg. of Writs*.

Pocket of Wool, Is half a Sack. 3 Inst. fo. 96. See *Sack of Wool*.

Pole, See *Percb*.

Poledabies, A kind of Canvas, wherewith Sail-ware is made, *Anno 1 Jac. ca. 24.*

Polem, (*Anno 4 Edw. 4. ca. 7.*) Was a sharp or picked top set in the fore-part of the Shoe or Boot. This fashion was first taken up in the time of King *William Rufus*, the Picks being made so long, as they were tied up to the knees with silver or golden chains, and forbiden by Ed. 4. — *Tunc fluxus crinum, tunc luxus vestium, tunc usus calcorum cum arcuatis acutiss inventus est*. *Malms. in Wil.* 2.

Policy of assurance, (*Assuratio*) Is a course taken by those, who adventure Wares or Merchandise by Sea; whereby they, unwilling to hazard their whole adventure, do give some other Person a certain rate or proportion, as 6, 8, or 10 in the hundred, or such like, to secure the safe arrival of the Ship, and so much Wares at the place agreed on. So that, if the Ship and Wares miscarry, the *Assurers* or *Insurers* make good to the Venturer so much as they undertook to secure; if the Ship arrive safely, he

Baines that clear, which the Venturer agrees to Pay him. And for the more certain dealing between them in this case, there is a Clerk or Officer ordained to set down in Writing the effect of their agreement, called *Policy*, to prevent any difference that might afterwards happen between them. This term is mentioned Anno 43 Eliz. ca. 12, and thereby allowed and established; And 14 Car. 2. ca. 23. and is now many times used to *Insure mens lives in Offices*, who have paid great summs of Money for the purchase thereof, and are *Insured* from that adventure by a certain Company of Merchants, or Citizens, for three or four per Cent, subscribing, or under-writing the agreement *Policy*, or *Insurance*, who do among them share the Premium, or Money given by the Party Insured, and run the hazard of it: such Assurance or Polices being not seldom also used in other matters, where loss or damage is feared.

Poll-money, (*Capitatio*) Was a Tax or Impoition ordained by Stat. 18 Car. 2. ca. 1. and 19 ejusdem, ca. 6. by the first of which every Subject in this Kingdom was assed by the Head or *Poll*, according to his degree; As every Duke 100 l. Marques 80 l, &c. Baronet 30 l. Knight 20 l. Esquire 10 l, &c. and every single person 12 d, &c. And, that this is no new Tax appears by former Acts of Parliament, where, *Quilibet tam coniugatus quam solitus utriusque sexus pro capite suo solvere cogebatur*. Parliament Anno 1380. Walsingham. Ypol. 534. 1. 37. There was anciently (says Camden) a personal tribute, called *Capitatio* (*Pol-silver*) imposed upon the Poll or Person of every one, of Women from the 12th, of Men from the 14th year of their age, *In his Notes upon Coines*.

Pollard, Was a sort of Money heretofore currant in England, which with *Crocards* are long since prohibited. *Math. Westm.* in Anno 1299. pa. 413. *Pollards*, *Crocards*, *Staldings*, *Eagles*, *Leoniines*, and *Steepings*, were ancient Coines in England, but now disused and forgotten. 2 Inst. fo. 577. We also call those Trees *Pollards*, or *Pollengers*, which have been usually crop'd, and therefore distinguish'd from Timber-Trees. See *Plowden*, fo. 469. b.

Polygamus, Is he that is married to two or more Wives together, or at the same time. 3 Inst. fo. 88.

Pone, Is a Writ, whereby a Cause, pending in the County, or other inferior Court, is removed to the Common Bench. *Old Nat. Br.* fo. 2. See the *Table* of the Reg. of Writs.

Pone per vadum, Is a Writ, commanding the Sheriff to take surety of one for his appearance at a day assigned; Of this fee five sorts in the *Table* of the Reg. *Judic. verbo*, *Pone per Vadum*.

Ponendis in Assisis, Is a Writ, founded upon the Statute of *Westm.* 2. ca. 38. and *Articuli super Chartistas*, ca. 9. which Statutes shew what persons Sheriffs ought to impanel upon Assizes and Juries, and what not; as also what number, which fee in Reg. of Writs, fo. 178. a. and *Fitz. Nat. Br.* fo. 133. b.

Ponendum in Balliam, Is a Writ willing that a Prisoner be bailed in cases bailable. *Reg. of Writs*, fo. 133.

Ponendum sigillum ad exceptionem, Is a Writ whereby the King will let Justices, according to the Stat. of *Westm.* 2. to put their Seal to Exceptions laid in by the Defendant against the Plaintiffs Declaration, or against the Evidence, verdict, or other Proceedings before the Justices.

Pontage, (*Pontagium*) Is a contribution towards the maintenance or reedifying of Bridges, *Westm.* 2. ca. 25. Anno 13 Ed. 1. It may also signify Toll taken to this purpose of those that pass over Bridges, *Anno 1 Hen. 8. ca. 9.* 22 Hen. 8. ca. 5. & 39 Eliz. ca. 24. *Per Pontagium clamatis esse quiet. de operibus pontium.* Plac. in Itin. apud Cestriam 14 Hen. 7.

Pontibus reparandi, Is a Writ directed to the Sheriff, &c. willing him to charge one or more to repair a Bridge, to whom it belongs, *Reg. of Writs*, fo. 153. b.

Porcea. See *Ridge of Land*.

Pozcary, (*Porcaria*) A Swinefey. *Fleta*: **Porter of the door of the Parliament-house**, Is a necessary Officer belonging to that high High Court, and enjoys the priviledges accordingly, *Cromp. Iurisd. fo. 1. 1.*

Porter in the Circuit of Justices, Is an Officer that carries a Verge or white Rod before the Justices in Eyre; so called a *Portando virgam*, Anno 13 Edw. 1. ca. 41. See *Vergers*.

Port-grebe, (*Sax. Popt-gepe*, i. *Portus vel urbi praefectus*) *Port* in the Saxon signifies the same with *Civitas*, and *Gepe*, or *peve*, a Collector of the Rents, (as in divers Lordships at this day,) Is a chief Magistrate in certain Maritime Towns; and, (as *Camden* says in his *Britan.* pa. 325.) the chief Magistrate of *London* was so termed; in stead of whom *Richard the First* ordained two *Bailiffs*; but, presently after him King *John* granted them a *Mayor* for their yearly Magistrate.

Carta Willielmi Conquestoris Civitatis. London.

William, King, Grete William Bishop, and Godfrey Portgreve, and all the Burgets within London, French and English. And I graunt you, that I will rhat ye be all your Law worth, that ye were Edwardis dages the King. And I wpl that ich Child be his Faders Eyer, and I nil suffer, that ony man you any wrongys heed. And God you kepe.

Ex libro perpetusto, penes Will. King, Ar.

Portioner (*Porconarius*, or *Portionarius*,) — *Pateat universis quod ego Iohannes Botelere, Porconarius secundus portionis Ecclesia de Bromyord, dedi — dat, 17 Ric. 2.* Where a Parsonage is served by two or sometimes three Ministers

nisters alternately, as *Bromyard, supra, Burford in Shropshire, &c.* The Ministers are called *Portioners*, because they have but their *Portion or Proportion* of the Tythes or Profits of the Living.

Portmen (*Anno 13 Eliz. cap. 24.*) The Twelve Burgesses of *Ipswich*, are so called. Also the inhabitants of the Cinque Ports are so termed, according to *Camden's Britannia*.

Portmote (from the Sax. *Popte, i. Portus & Gemot, i. Conventus*) Is a Court kept in Haven-Towns or Ports ; as *Swainmot* in the Forest. *Manwood, par. 1. pag. 111.* It is called the *Portmoot Court*. *Anno 43 Eliz. ca. 15.* *Curia Portmootorum, est Curia in Civitate Cœstræ coram Majore in aula Motorum tenenda.* Pl. in *Itin. ibid. 14 Hen. 7.*

Port-sale (*Anno 35 Hen. 8. cap. 7.*) Is the sale of Fish, presently upon its arrival in the Port or Haven.

Possession (*Possessio, quasi, Pedis positio*) Is twofold, actual, and in Law : The first is, when a Man actually enters into Lands or Tenements to him descended ; the other, when Lands or Tenements are descended to a Man, and he hath not as yet actually entered into them. Before, or until an *Office* is found of Lands Escheated by Attainer, the King hath only Possession in *Law*, and not in *Deed*. *Stamf. Prærog. fol. 54.* There is also an *Unity of Possession*, which the *Civilians* call *Consolidationem* : As if the Lord purchase the Tenancy held by Heriot service, the Heriot is extinct by Unity of Possession ; because the Seigneurie and Tenancy are now in one Mans possession. *Kitchin, fol. 134.* See other Divisions of Possession in *Braeton, lib. 2. cap. 17.*

Post. See *Per.*

Post Conquestum, Was first inserted in the Kings Title by *Edward the Third, Anno 1328. Clauſ. 2 Edw. 3. in Dorſo. m. 33.*

Post Diem, Is a Fee by way of Penalty upon a Sheriff for his neglect in returning a Writ after the day assigned for its return ; for which, the *Custos Breuium* hath four pence, whereas he hath nothing, if it be returned at the day ; sometimes taken for the Fee it self.

Post Difficilis (*Post Difficilina*) Is a Writ given by the Statute of *Westm. 2. cap. 26.* and lies for him that, having recovered Lands or Tenements by *Præcipe quod reddat*, upon default, or reddition, is again diffiscited by the former Diffisor. *Fitz. Nat. Br. fol. 190.* See the Writ that lies for this in the *Reg. of Writs, fol. 208. a.*

Post Fine, Is a duty belonging to the King, for a *Fine* formerly acknowledged before him in his Court, which is paid by the *Cognizee*, after the *Fine* is fully passed, and all things touching the same accomplished : The rate thereof is so much, and half so much as was paid to the King for the *Fine*, and is collected by the Sheriff of the County where the Land lies, whereof the *Fine* was levied, to be answered by him into the *Exchequer*.

Post Term, Is a Fee or Penalty taken by the *Custos Breuium* of the Court of Common Pleas only, for the Filing any Writ by any Attorney after the Term, or usual time, in which such Writs are returnable ; for which the *Custos Breuium* takes the Fee of xx d.

Pastea, Is a Return or Certificat of the proceedings by *Nisi Prius* into the Court of Common Pleas after a Verdict, and there afterwards recorded. See *Plotwden, Casu, Saunders, fol. 211. a.* See an example of it in *Cokes Rep. Vol. 6. Rowlands Case, fol. 41.* See *Custos Breuium*.

Posteriority (*Posterioritas*, the being or coming after or behinde) Is a word of Comparison and Relation in Tenure, the Correlative whereof is *Priority* : For a Man holding Lands or Tenements of two Lords, holds of his Ancienter Lord by *Priority*, and of his later Lord by *Posteriority*. *Stamf. Prærog. fol. 10. & 11.* When one Tenant holds of two Lords, of the one by *Priority*, of the other by *Posteriority*, &c. *Old Nat. Br. fol. 94.* See *2 Inſit. fol. 392.*

Postnati. — *7 Jac.* It was by all the Judges solemnly adjudged, that those, who, after the descent of the Crown of England to King James, were born in Scotland, were no Aliens in England. As on the contrary, the *Antenati*, or those born in Scotland, before the said descent, were Aliens here, in respect of the time of their Birth. See *Calvins Case, 7 Report.*

Pot (*Anno 13 Car. 2. cap. 6.*) A Head-piece, for War.

Pot Ashes (*Anno 12 Car. 2. cap. 4.*) Are made of the best Wood-ashes, and used in the making of Soap ; some are made in England, but the best come from beyond Sea.

Pound (*Parcus*) Signifies generally any strong inclosure to keep in Beasts ; but especially a place of strength, to keep Cattle that are distrained or put in for any Trespass done by them, until they be replevied or redeemed ; and in this signification it is called a *Pound Overt*, or open Pound, being built upon the Lords Waste, and is called the *Lords Pound* ; for he provides it for the use of himself and his Tenants. See *Kitchin, fol. 144.* It is divided into *Pound Open*, and *Pound Close*. *Pound Open*, or *Overt*, is not only the *Lords Pound*, but a Backside, Court, Yard, Pasture-Ground, or whatever else, whither the owner of the Beasts Impounded may come to give them Meat and Drink, without offence, for their being there, or his coming thither. *Pound Close* is then the contrary, viz. Such a one, as the owner cannot come into, for the purpose aforesaid, without offence ; as some Close-house, Castle, Fortress, or such like place.

Pound-breach. See *Pund-brech.*

Poundage (*Pondagium*) Is a Subsidy granted to the King, of all manner of Merchandise of every Merchant, Denizen, and Stranger, carried out of this Realm, or brought into the same, to the value of Twelve pence in every *Pound*.

Pound. This was granted to Henry the Sixth for term of his life, and to King Charles the Second, *Anno 12 Car. 2. cap. 4.*

Pourallé. See *Purllie.*

Pour fair proclamée. que nul inset Fines et ordures en fosses ou Ribers p̄s Cities, &c. Is a Writ directed to the Mayor, Sheriff, or Bailiff of a City or Town, commanding them to proclaim, That none cast filth into the Ditches or places near adjoyning, and, if any be cast already, to remove it. This is founded upon the Statute 12 Rich. 2. cap. 13. *Fitz. Nat. Br. fol. 176.*

Pourpartie (*Propars, Propartis vel Propartia.*) Is contrary to *Pro indiviso*; for to make *Pourpartie*, is to divide and sever the Lands that fall to *Parceners*, which before Partition they hold joynly and *Pro indiviso*. *Old Nat. Br. fol. 11.*

Pourpresture (*Pourprestura*; from the Fr. *Pourpris*, a Close or Enclosure) Is thus defined by *Glanvile*, lib. 9. cap. 11. *Pourprestura est proprie, quando aliquid super Dominum Regem in iuste occupatur; ut in Dominicis Regis, vel in viis publicis obstructis, vel in aquis publicis transversis a recto cursu; vel quando aliquis in circuato super regiam plateam aliquid adificando occupaverit.* & generaliter, *quoties aliquid sit ad documentum Regis Tenementi, vel Regia via vel Civitatis.* And by *Crompton* in his *Jurif.* fol. 152. thus. *Pourpresture* is properly when a Man takes to himself or encroaches any thing, which he ought not, whether it be in any Jurisdiction, Land, or Franchise; and generally, when any thing is done to the Nusance of the Kings Tenants. See *Kitchin*, fol. 10. And *Manwood*, par. 1. pag. 269. & *Par. 2. cap. 10.* Some Authors make three sorts of this offence, one against the King, the second against the Lord of the Fee, the third against a Neighbor, by a Neighbor. See 2 *Inst. fol. 38.* & 272.

Pour seistr terres la femme que tient en Dower, &c. Was a Writ whereby the King seized the Land, which the Wife of his Tenant in Capite, deceased, had for her Dowry, if she married without his leave, and was grounded on the Statute of the Kings Prerogative. *cap. 3.* See *Fitz. Nat. Br. fol. 174.*

Poursuivant (from the Fr. *Poursuivre, i. Agere, persequi*) Signifies the Messenger of the King attending upon Him in Wars, or at the Council Table, or *Exchequer*, or in His Court, or at His Chamber, to be sent upon any occasion or message; as for the apprehension of a party accused or suspected of any offence. Those that are used in Marshal Causes are called *Pursuivants at Arms*; whereof there are four of special names, which see in the word *Herald*. *Stow*, speaking of Richard the Third his end, hath these words; pag. 784. *His Body was naked to the Skin, not so much as one Clout about him, and was trussed behinde a Pursuivant at Arms like a Hog, or a Calf, &c.*

Pourdepor (*Provvisor*, from the Fr. *Pourvoire, i. Prendre, Prospicer*) Signifies an Officer of

the King or Queen, that provides Corn and other Victual for their House. Mentioned in *Magna Charta*, cap. 22. and other Statutes; but the Office is restrained by Stat. 12 Car. 2. cap. 24. See *Pourveyance and Achat.*

Pourbeyance (Fr. *Pourvoyance*) Is the providing Corn, Fuel, Victual, and other necessaries for the Kings House. By Stat. 12 Car. 2. cap. 24. it is provided, *That no person or persons by any Warrant, Commission, or Authority, under the Great Seal, or otherwise, by colour of buying or making provision of Purveyance for His Majesty, or any Queen of England, for the time being, or that shall be; or for His, their, or any of their Household, shall take any Timber, Fuel, Cattle, Corn, Grain, Malt, Hay, Straw, Victual, Cart, Carriage, or other thing whatsoever, of any the Subjects of His Majesty, His Heirs, or Successors, without the full and free consent of the owner or owners thereof, had, and obtained without Menace or Enforcement, &c. See *The Antiquity of Praeemption and Pourveyance, &c.* And 3 *Inst. fol. 82.**

Power of the County (*Posse Comitatus*) According to *Lambert* in his *Eiren.* lib. 3. cap. 1. fol. 309. contains the Aid and Attendance of all Knights, Gentlemen, Yeomen, Laborers, Servants, Apprentices, and Villains, and of other young Men above the age of fifteen, within the County; because all of that age are bound to have Harness, by the Statute of *Winchester*. But Women, Ecclesiastical Persons, and such as are decrepit, or labor with any continual infirmity, shall not be compelled to attend. For the Stat. 2 Hen. 5. cap. 8. says, *That persons able to travel shall be assistant in this service;* which is used, where a Possession is kept upon a forcible Entry, or any force or reueue used, contrary to the Command of the Kings Writ, or in opposition to the execution of Justice.

Potwoldabis. See *Poledaris.*

Poynings Law, Is an Act of Parliament made in *Ireland* by Henry the Seventh, and so called, because Sir Edward Poynings was Lieutenant there, when it was made; whereby all the Statutes in *England* were made of force in *Ireland*, which before that time were not, neither are any now in force there, which were made in *England* since that time. See *Cokes 12 Rep. fol. 109. Hill. 10 Jac.*

Pray in Ayd. See *Ayd.*

Pratum falcabile, A Meadow or Mowing-ground. — *Tur. dicunt quid prædicta places a tempore quo — Fuit Pratum falcabile, usque ad prædictum annum quid prædictus W. illud aravit.* *Trin. 18 Edw. I. in Banco. Rot. 50.*

Præbend (*Præbenda*) Is the Portion which every Member or Canon of a Cathedral Church, receives in right of his place, for his maintenance. *Canonica Portio* is properly used for that share, which every Canon or Prebendarian receives yearly out of the common stock of the Church; and *Præbenda* is a several Benefice rising from some Temporal Land or Church,

Church, appropriated towards the maintenance of a Clerk or Member of a Collegiate Church, (as the Prebends of Keyton, and Coups at Maldon) and is commonly surnamed of the place, whence the profit arises.

Prebends are either *Simple*, or with *Dignity*. *Simple Prebends* are those, that have no more but the Revenue towards their maintenance: *Prebends with Dignity*, are such as have some Jurisdiction annexed to them, according to the divers Orders in every several Church. Of this see more in the *Decretals*, tit. *De Prabendis & Dignitatibus*.

Prebenda, Was also, in old Deeds, used for Provender. See *Cordy*.

Prebendary (*Prabendarius*) Is he that hath such a Prebend; so called. *Prabendo auxilium & confilium Episcopo*.

Precatis, Days works, which the Tenants of some Mannors are bound to give the Lord in Harvest, which in some places are corruptly called *Wind days*, for *Widen days*, from the Sax. *Bidan*, to pray or intreat. *Baldwinus una bovata pro iis. & Dimid. & ii. Gallinas, & xx Ova, & iv Precariis, in Autumno, cum uno homine, bis arare, bis berciare, semel fallcare, semel faenum levare, &c.* Mon. Angl. 2 par. fol. 539. a. See *Bederepe*.

Precice partium, Is when a Sute is continued by the Prayer, Assent, or Agreement of both Parties. Anno 13 Edw. 1. cap. 27.

Precipit (*Præceptum*) Is commonly taken for a Commandment in Writing, sent out by a Justice of Peace, or other-like Officer, for the bringing a Person, or Records before him; of which, you have example of divers in the Table of the Register Judicial: And sometimes for the command or provocation, whereby one Man incites another to commit Felony, Theft, or Murder. *Stamp. Pl. Cor. fol. 105.* *Braeton* (lib. 3. tract. 2. cap. 19.) calls it *Præceptum* or *Mandatum*; whence we may observe three diversities of offending in Murder, *Præceptum*, *Fortia*, *Confilium*: *Præceptum*, being the investigation used before hand; *Fortia*, the Assistance in the Fact, as helping to bindle the party murdered or robbed; *Confilium*, advise either before, or in the Deed.

Præceptorios (*Præceptorie*, Anno 32 Hen. 8. cap. 24.) Were Benefices in a kinde, and so termed, because they were possessed by the more eminent sort of the Templars, whom the cheif Master by his Authority created and called *Præceptores Templi*. *Stepens de Jurisd. lib. 4. cap. 10. num. 27.* Of these *Præceptorios*, I finde sixteen recorded, as anciently belonging to the Hospitalers and Templars in England, viz. *Cressing-Temple*, *Balshai*, *Shengay*, *Newland*, *Leveley*, *Witham*, *Temple-brucre*, *Willington*, *Rotherley*, *Ovenington*, *Temple-Combe*, *Trebigh*, *Ribstane*, *Mount S. John*, *Temple-Newsum*, and *Temple-burft*. Mon. Angl. 2 par. fol. 543.

Præcipe quod redat, Is a Writ of great Diversity, both in its form and use, for which see *Ingressus* and *Entry*. This Form is extended as well to a Writ of Right, as to other

Writs of Entry or Possession. *Old Nat. Br. fol. 13.* And *Fitz. Nat. Br. fol. 5.* And it is sometime called *A Writ of Right Close*, when it issaes out of the Court of Chancery Close; sometimes *A Writ of Right Patent*: As when it issaes out of the Chancery, Patent, and open to any Lords Court for any of his Tenants deformed, against the Deforger, and must be determined there. Of which, read more at large in *Fitz. Nat. Br. cap. 13. fol. 539. a.*

Præcipe in Capite (*Magna Charta*, ca. 24.) Was a Writ issuing out of the Court of Chancery, for a Tenant holding of the King in Chief, as of his Crown, and not of the King, as of any Honor, Castle, or Mannor. *Reg. of Writs*, fol. 4. b.

Præcontrat (*Anno 2 & 3 Edw. 6. ca. 23.*) Is a Contract made before another Contract; chiefly in Relation to Marriages.

Predial Tithes (*Decima Pradiariae*) Are those which are paid of things arising and growing from the Ground only; as Corn, Hay, Fruits of Trees, and such like. Anno 2 Edw. 6. cap. 13. See *Cokes 2 Insti. fol. 649.*

Præemption (*Præemptio*) Was a Priviledge allowed the Kings Purveyor, to have the choice and first-buying of Corn, and other Provision before others, for the Kings House; which is taken away by Stat. 12 Car. 2. cap. 24.

Prælate (*Prælatus*) We commonly understand to be an Archibishop or Bishop: But thus says the Learned Spelman, *Prælati Ecclesiæ vocantur nedium Superiores, ut Episcopi, sed etiam Inferiores, ut Archidiaconi, Presbyteri, Plebani & Rectores Ecclesiærum*. Sic enim in Bulla Privileg. apud Mat. Pat. in Hen. 3. sub Anno 1246. *Innocentius, &c. Universitatem Cathedrâlium quam aliorum Prælati, nec non Patronis Ecclesiærum, Clericis & laicis per Regnum Angliae constitutis salutem, &c.* Pag. 476.

Premises. See *Habendum*.

Premium (*Præmium*) A Reward or Re-compence. Among Merchants it is used for that sum of Money, as Eight or ten per Cent. which the *Insured* gives the *Insurer*, for ensuring the safe return of any Ship or Merchant. Anno 12 Car. 2. cap. 1.

Præmuntire, Is taken either for a Writ so called, or for the offence whereupon the Writ is granted; the one may be understood by the other. Heretofore the Church of Rome, under pretence of her Supremacy, and the Dignity of S. Peters Chair, took upon her to bestow most of the Bishopricks, Abbathies, and other Ecclesiastical Livings of worth here in England, by Mandates, before they were void; pretending therein a great care to see the Church provided of a Successor, before it needed. Whence it arose, that these Mandates or Bulls were called *Gratia Expectativa*, or *Provisiones*, whereof you may read a learned Discourse in *Dauarenus, de Beneficiis*, lib. 3. cap. 1. These Provisions were so rare with us, that at last, King Edward the Third not dighting so intolerable an Encroachment, made a Statute in the Twen-

ty fifth year of His Reign, Stat. 5. cap. 22. and another Stat. 6. cap. 1. and a third Anno 27. against those that drew the Kings people out of the Realm, to answer things belonging to the Kings Court; and another Anno 28 Stat. 2. cap. 1, 2, 3, & 4. whereby he greatly restrained this liberty of the Pope; who notwithstanding, still adventured to continue the Provisions; in so much, as King Richard the Second, likewise made a Statute against them, Anno 12. cap. 15. And in the Thirteenth year of His Reign, cap. 2. making mention of the said first Statute of Edward the Third, ratifying the same, and appointing the punishment of those that offended against it, to be Perpetual banishment, Forfeiture of their Lands, Tenements, Goods, and Chattels, &c. And again in the Sixteenth year of His Reign, cap. 5. to meet more fully with all the shifts, invented to avoid the former Statutes, he expressed the offence more particularly, and sets the same punishment to it, that he ordained in the last mentioned Statute. After him, King Henry the Fourth, in like manner aggrieved at other abuses, not fully met with in the former Statutes, in the second year of His Reign, cap. 3. & 4. adds certain new Cases, and lays upon the Offenders in them, the same punishment; whereto I refer you, as likewise to Anno 9 Eiusdem, cap. 8. and 3 Hen. 5. cap. 4. and Smith de Repub. Angl. lib. 3. cap. 9.

Some later Statutes do cast this punishment upon other Offenders, as namely the Statute of 1 Eliz. cap. 1. upon him that denies the Kings Supremacy the second time; and the Stat. 13 Eliz. cap. 2. upon him that affirms the Authority of the Pope; or refuseth to take the Oath of Supremacy; and the Stat. 13 Eliz. cap. 1. upon such as are Seditious talkers of the inheritance of the Crown, or affirm the Queen to be an Heretick. And the Stat. 13 Car. 2. cap. 1. upon such as affirm the Parliament begun at Westminister, 3 Nov. 1640. is not yet dissolved, or that there is any obligation by any Oath, Covenant, or Engagement whatsoever, to endeavor a change of Government, either in Church or State, or that both or either House of Parliament have, or hath a Legislative Power without the King. And the word is applied most commonly to the punishment first ordained by the Statutes before mentioned, for such as transgreſſed them: For where it is said, that any Man for an offence committed, shall incur a *Pramunire*, it is meant, That he shall incur the same punishment, as is inflicted on those that transgresſ the Stat. 16 Rich. 2. cap. 5. commonly called the Statute of *Pramunire*, which kinde of Reference or Application is not unusual in our Statutes. As to the Etymology of the word, some think it proceeds from the strength given to the Crown, by the former Statutes, against the usurpation of forein power; which opinion may receive some ground from the Stat. 25 Edw. 3. stat. 6. cap. 1. But others think it grows from the Verb *Pramonere*, being barbarously turned into *Pramunire*, to forewarn or

bid the offender take heed; or from the severity or grievousness of the Punishment. Of which, a Reason may be gathered from the Form of the Writ, in *Old Nat. Br.* fol. 142. *Pramunire facias prefatum praepositum & J. R. procuratorem, &c.* *Quod tunc sint coram nobis, &c.* Which words can be referred to none, but parties charged with the offence. See 3 Inst. fol. 119.

Prender (from the Fr. *Prendre*, i. accipere) Is the power or right of taking a thing, before it is offered. —It lies in Render, but not in Prender. *Cokes Rep.* 1 Part. Sir Jo. Peters Case.

Prender de Baron, Signifies literally to take a Husband; but it is used as an Exception, to disable a Woman from pursuing an Appeal of Murder, against the killer of her former Husband. *Stamf. Pl. Cor. lib. 3. cap. 59.*

Prepensed (*Prapensu*) Forethought; as Prepensed malice (*Malitia Pracogitata*) when a Man is slain upon a sudden quarrel, yet, if there were Malice Prepensed formerly between them, it makes it Murder, or, as it is called (in the Stat. 12 Hen. 7. cap. 7.) *Prepensed Murder*. See *Murder*. And 3 Inst. fol. 51.

Prepositus Ecclesie. See *Church-reve*.

Prepositus Willæ, Is used sometimes for the Constable of a Town, or Petit-Constable. *Cromp. Jurif.* fol. 203. Howbeit, the same Author fol. 194. seems to apply it otherwise, for there *Quatuor homines Prepositi*, are those four Men, that for every Town must appear before the Justices of the Forest in their Circuit. It is sometimes used for an Head or Cheif-officer of the King, in a Town, Mannor, or Village, or a Reeve. See *Reeve*. *Animalia & res inventa coram ipso & Sacerdote ducenda erant*. LL. *Edw. Conf.* cap. 28.

Prerogative of the King (*Prerogativa Regis*, from *pra*, i. ante, and *rogare*, to ask or demand: For though an Act hath passed both Houses of Parliament, yet before it be a Law, the Royal Assent must be asked and obtained) Is generally that Power, Preeminence, or Privilidge, which the King hath over and above other persons, and above the ordinary course of the Common Law, in the right of His Crown —*Potest Rex ei, lege sua dignitatem, condonare si velit, etiam mortem proscriptam*. LL. *Edw. Confess.* cap. 18. The Kings Person is subject to no Mans Sute; His Possessions cannot be taken from Him, by any violence or wrongful Disleſſion; His Goods and Chattels are under no Tribute, Toll, or Custom, nor Distraintable; with very many other Regal Rights, and Priviledges. See *Stamf. Prerog.* and the Statute of the Kings *Prerogative*, Anno 17 Edw. 2. and *Plowden, Casu, Mines*. *Spelman* calls it *Lex Regie Dignitatis*.

Prerogative Court (*Curia Prerogativa Archiepiscopi Cant.*) Is the Court wherein all Wills are proved, and all Administrations granted that belong to the Archbishop, by his Prerogative, that is, in case where the deceased had Goods of any considerable value out of the Dioces, wherein he died, and that value

is ordinarily 5 l. except it be otherwise by composition between the said Archbishop, and some other Bishop, as in the Diocese of London it is 10 l. And if any contention arise, touching any such Will or Administration, the cause is properly debated and determined in this Court; the Judge whereof is called *The Judge of the Prerogative Court of Canterbury*. The Archbishop of York hath also the like Court, which is termed his *Exchequer*, but far inferior to this in Power and Profit. 4 Inst. fol. 335.

Prescription (Præscriptio) Is a Title, taking its substance of use and time allowed by the Law, As when a Man claims any thing, because he, his Ancestors, or they, whose estate he hath, have had, or used it all the time, whereof no memory is to the contrary; or when, for continuance of time, whereof there is no memory, a particular person hath particular right against another particular person. *Kitcbin*, fol. 104. See *Coke on Littl.* fol. 140. b. But as in the Civil Law, so in the Common, Prescription may be in a shorter time, at least in some particular Cases. For example, where the Statute *Anno 8 Rich. 2. cap. 4.* says, That a Judge or Clerk convicted for false entring of Pleas, &c. may be Fined within two years, the two years being past, he prescribes against the punishment of the said Statute. So the Statute *Anno 11 Hen. 7.* says, That he, who will complain of Maintenance or Embracery, whereby Perjury is committed by a Jury, must do it within six days, those six days ended, the parties prescribe: And divers other Statutes have the like Limitations of time, whence may arise a like Prescription. See *Action-Perpetual* and *Temporal*. See *Lamb. Eiren. lib. 4. ca. 50.* pag. 469. Of this Prescription, and the Learning touching the same, you may read *Cokes Rep. Litterels Case*, Vol. 4. fol. 84. and *Latches Rep.* fol. 110. *Præscriptio est jus quoddam, ex tempore congruens, auctoritate legum vim capiens, panam negligentibus inferens & finem litibus imponens.* — *Quadragesimalis Præscriptio omnem prorsus actionem excludat. Reformatio Legum Eccles.* pag. 246. See 2 Inst. fol. 653.

Presentation (Præsentatio) Is used properly for the act of a Patron, offering his Clerk to the Bishop, to be intituted in a Benefice of his Gift, the Form whereof see in *Reg. of Writs*, fol. 322. a. See *Parson*.

Presentee, Is the Clerk that is so presented by the Patron. In the Stat. 13 Rich. 2. cap. 1. mention is made of the Kings Presentee, that is, he whom the King presents to a Church

Presentment, Is a mere denunciation of the jurors themselves, or some other Officer, as Justice of the Peace, Constable, Searcher, Surveyor, &c. (without any information) of an offence inquirable in the Court, whereunto it is presented. *Lamb. Eiren. lib. 4. cap. 5.* pag. 467.

President (Præses) Is used for the Kings Lieutenant in any Province or Function; as President of Wales, York, Baywick, President of

the Kings Council. *Anno 22 Hen. 8. ca. 8.* And *24 Hen. 8. ca. 3. & 14.*

Prest, Is used for a duty in Money to be paid by the Sheriff, upon his account in the *Exchequer*; or for Money left or remaining in his hands. *Anno 2 & 3 Edw. 6. ca. 4.*

Prest Money, Is so called of the French word *Prest*, i. *Promptus, Expeditus*; for that it binds those that receive it, to be ready at all times appointed, commonly meant of Soldiers. *Anno 18 Hen. 6. 19. — 7 Hen. 7. 1. — 3 Hen. 8. 5.* And *2 Edw. 6. 2.*

Prestation Money (Præstatio, i. A performing or paying) Is a sum of Money paid by Archdeacons yearly to their Bishop, *Pro exteriori Jurisdictione.* — *Et quieti sint a Præstatione Muragii. Carta Hen. 7. Burgenf. Mountgomeri.* *Præstatio* was also anciently used for *Pourveyance*. See Mr. Phillips Book on that subject, pag. 222. And see *Spiritualties*.

Presumption (Præsumptio) Is of three sorts. 1. *Violent*, which is many times *Plena Præbatio*; as if one be run through the Body in a House, whereof he instantly dies, and a Man is seen to come out of the House with a Bloody Sword, and no other Man was at that time in the House. 2. *Probable*, which moveth little. 3. *Levis seu timetaria*, which moves not at all. So in case of a Charter of Feoffment, if all the witnesses to the Deed be dead, then *Violent Presumption*, which stands for a proof, is continual and quiet Possession. *Coke on Littl. lib. 1. ca. 1. sect. 1. Præsumptio stat in dubio*, it is doubted of, yet it is accounted *Veritatis comes quatenus in contrarium nulla est probatio, ut regula se habet: Stabitus præsumptio donec probetur in contrarium.* *Presumption* was anciently taken for intrusion. — *Assultus, Roberia, Sterbrech, Præsumptio terra vel pecunia Regis, Thesaurus inventus, &c.* LL. Hen. 1. cap. 11. De his quæ sunt de Jure Regis.

Pretensed Right (Jus Pretensem) Is where one is in possession of Lands or Tenements, and another who is out, claims it; and sues for it; here the *Pretensed Right* or Title is to be in him, who so does sue and claim.

Price. See *Value*.

Pricked-bread. — *Molendinario septem panes de Conventu & septem panes de Pricked-bread.* Monast. Angl. 1 Part. fol. 498. b. *Quare.*

Pride-gabel, In the Manner of Rodeley in Com. Gloc. is paid to this day, as a Rent to the Lord of the Manner, by certain Tenants, in duty and acknowledgment to him for their liberty and priviledge of Fishing for Lamprage in Severn. (*Prid* for brevity, being the later syllable of *Lamprid*, (as anciently they were called) and *Gabel*, a Rent or Tribute.) *Taylors Hist. of Gavelkind, fol. 112.*

Primo Beneficio. See *Beneficio*.

Primage (Anno 32 Hen. 8. ca. 14.) Is a duty due to the Mariners and Sailers for the Loading of any Ship at the setting forth from any Haven, which is in some places a penny in the

the pound ; in others six pence per Pack or Bale, according to the Custom of the place.

Premier Seisin (*Prima Seisina*, i. The first Possession) Was a Branch of the Kings Prerogative, whereby he had the first possession of all Lands and Tenements holden of him in chief, whereof his Tenant died seised in Fee, and consequently the Rents and Profits of them, until the Heir, if he were of age, did his homage, if under age, until he were. But all charges arising by *Premier Seisin*, are taken away by the Stat. 12 Car. 2. cap. 24.

Prince (*Principes*) Is sometimes taken for the King himself; but more properly for the Kings Eldest Son, who is Prince of Wales; as the Eldest Son to the French King is called Dauphin, both being Princes by their Nativit. *Ferns Glory of Generosity*, pag. 138.

Before Edward the Second was born at *Carnarvan*, and was the first Prince of Wales, the Kings Eldest Son was called Lord Prince. *Stamf. Prærog. ca. 22. fol. 75.* See 27 Hen. 8. ca. 26. And 28 *Eiusdem*, ca. 3.

Principal (*Principalium*) An Heir-lome, Quod vide. In *Wichenfield Com. Heret.* certain Principals, as the best Beast, best Bed, best Table, &c. pass to the eldest Childe, and are not subject to Partition. Also the chief person in some of the Inns of Chancery is called Principal of the House. See *Ancient*.

Principality of Chester. Anno 21 Rich. 2. ca. 9. See *County Palatine*, and *Cromp. Jurisd. fol. 137.*

Prior perpetual, or Datibe and removable. Anno 9 Rich. 2. ca. 4. And 1 Edw. 4. ca. 1. Lord Prior of Saint Johns of Jerusalem. Anno 26 Hen. 8. ca. 2. See *Abbot*.

Priors Aliens (*Priores Alieni*) Were certain Religious Men, born in France, and Normandy, and Governors of Religious Houses, erected for Outlandish Men here in England; which were by Henry the Fifth thought no good Members for this Land, and therefore suppressed; whose Livings were afterwards by Henry the Sixth, given to other Monasteries and Houses of Learning, (*Stows Annals*, pag. 582. And 1 Hen. 5. ca. 7.) but specially to the erecting of those two famous Colleges, called *The Kings Colleges of Cambridge and Eaton*. 2 Part Inst. fo. 584.

Priority (*Prioritas*) Signifies an Antiquity of Tenure; in comparison of another less ancient. As, To hold by Priority, is to hold of a Lord more anciently than of another. *Old Nat. Br. fo. 94.* So to hold by Posteriority is used in *Stamf. Prærog. ca. 2. fol. 11.* The Lord of the Priority shall have the custody of the Body, &c. *Cromp. Jurif. fol. 120.* See *Posteriority*.

Prafage (*Prafia*, Fr. *Prix*) Is that Custom or Share, that belongs to the King, or Lord Admiral, out of such Merchandises as are taken at Sea, by way of lawful Prize, which is usually a Tenth part. 31 Eliz. ca. 5.

Prafage of Wines (*Anno 1 Hen. 8. ca. 5.*) Is a word almost out of use, now called *Butlerage*, (because the Kings chief Butler

receives it) which is a Custom whereby the King challenges out of every Bark loaden with Wine, containing Twenty Tuns or more, two Tun of Wine; the one before, the other behind the Mast at his price, which is Twenty shillings for each Tun; yet this varies according to the Custom of the place, for at *Boston*, every Bark laden with Ten Tuns of Wine, or above, pays *Prafage*: See *Butlerage*, and *Cat-trophe Reports*, fol. 20. And 4 Part Inst. fol. 30.

Memorandum, quod Rex habet ex antiquis consuetudine de qualibet Nave Mercatoris Vini & Careat. Applican. infra aliquem portum Anglia de ziginis dolis duo dolia & de decem dolis unum de *Prisa Regia* pro quodam certo ab antiquo constitut. solvend. P. Rec. 20 R. 2.

Prise (*Prisa*) From the Fr. *Prendre*, i. *Caperre*) Signifies in our Statutes the things taken of the Kings Subjects by Purveyors. Anno 13 Edw. 1. ca. 7. and 28 *Eiusdem*, stat. 3. ca. 2. It signifies also a Custom due to the King. An. 25 *Eiusdem*, ca. 5. Reg. of Writs, fol. 117. b. In foraneis paginae antiquis (says the Learned Spelman) *Prise* plerunque intelliguntur de annona reique frumentaria captionibus aliis eisam necessariis, ad alenda instruendaque castrorum praefidia; nec non & regiam familiam minori quam justo pretio agricola arepius, &c. In *Scripto quodam* Anno 3 Edw. 1. Norf. ss. —Rogerus de Monte alto, qui sororem & hercudem Hugonis de Albene, &c. despousaverat, clamat habere libertates has subscriptas, viz. Castellum suum de Rizinge cum Prisis 40 diecum, &c. Ubi clausulam cum Prisis 40 dierum intelligo de libertate capienti virtualia quæ vocant ad sustentationem præsidarii militis Castrorum sui, ita quod premium reddat infra 40 dies. See the Stat. 12 Car. 2. ca. 24.

Prisoner (Fr. *Prisonier*) Signifies one that is restrained of his liberty upon any Action, Civil, or Criminal, or upon Commandment. And a Man may be Prisoner upon Matter of Record, or Matter of Fact: Prisoner upon Matter of Record, is he, who, being present in Court, is by the Court committed to Prison, only upon an Arrest, be it by the Sheriff, Constable, or other. *Stamf. Pl. Cor. lib. 1. ca. 32. fol. 34 & 35.*

Pribation (*Privatio*) A bereaving or taking away: Most commonly applied to a Bishop, or Rector of a Church; when by Death, or other act, they are deprived of their Bishopric or Benefice. See *Coke on Littl. fol. 329.*

Priby (Fr. *Privé*, i. *Familiaris*) Signifies him that is partaker, or hath an interest in any Action, or thing; as *Prixies of Blood*, *Old Nat. Br. fol. 117.* Every Heir in Tail is Priy to recover the Land intitled. *Eodem, fol. 137.* *Merchants Priy*, are opposite to *Merchant Strangers*. Anno 2 Edw. 3. cap. 9. & 14. *Coke* (lib. 3. *Walkers Case*, fol. 23. And lib. 4. fol. 123.) mentions four kinde of *Prixies*, viz. *Prixies in Blood*, as the Heir to his Father; *Prixies in Repré-*

Representation, as Executors or Administrators to the deceased; **Privities in Estate**, as he in Reversion, and he in Remainder; when Land is given to one for life, and to another in Fee; the reason is, for that their Estates are created both at one time: The fourth is **Privity in Tenure**, as the Lord by Escheat, that is, when Land Escheats to the Lord for want of heirs. The **Expositor of Law-terms** adds a fifth sort of Privity, whom see, and *Coke on Litt. lib. 3. ca. 8. Scrl. 161.*

Privy-seal, (*Privatum sigillum*) Is a Seal that the King useth to such Grants, or other things as pass the Great Seal; First, they pass the Privy-Signet, then the *Privy-Seal*, and lastly the Great Seal of England. The *Privy-Seal* is also sometimes used in things of less consequence, that do not at all pass the great one. No Writs shall pass under the *Privy-Seal*, which touch the Common-Law. *2 Inst. fo. 555.*

Priviledge, (*Privilegium*) Is either personal or real: A personal Priviledge is that which is granted or allowed to any person, either against or besides the course of the Common-Law: as, a Member of Parliament may not be Arrested, nor any of his menial servants in the time of Parliament, nor for certain dayes before and after. A *Priviledge real* is that which is granted to a place, as to the Universities, that none of either may be called to *Westminster-Hall*, or prosecuted in other Courts. See the *New Book of Entries*, verbo, *Priviledge*. *Privilegium est jus singulare, hoc est, privata lex, qua uni homini vel loco, vel Collegio & similibus aliis conceditur.*

Privity, (Fr. *Privaute*) Private Familiarity, Friendship, Inward Relation. If there be Lord and Tenant, and the Tenant holds of the Lord by certain services, there is a *privity* between them, in respect of the tenure. See *Privity*.

Probat of Testaments, (*Probatio testatorum*) Is the exhibiting and proving last Wills and Testaments before the Ecclesiastical Judge, delegated by the Bishop, who is *Ordinary* of the place where the party dies. If all the deceased parties Goods, Chattels, and Debts owing him were in the same Diocese, then the Bishop of the Diocese, or the Arch-deacon (according as their composition or prescription is) has the *Probat* of the *Testament*; if the Goods were dispers'd in divers Dioceses, so that there were any summe of note, (as five pounds ordinarily) out of the Diocese where the party liv'd, then is the Arch-Bishop of *Canterbury* (or *York*) the Ordinary by his Prerogative. This *Probat* is made in two sorts, either in *common form*, or *per testes*; The first, is onely by the Oath of the Executor, who swears upon his credility, that the Will by him exhibited, is the last Will and Testament of the Party deceased. *Per testes* is, when, besides his Oath, he also produceth Witnesses, or makes other proof to confirm the same; which later course is taken most commonly, where there is fear of strife

or dispute about the Testators Goods: For, it is held that a Will proved in *common form* onely, may be call'd in question any time within thirty years after. And, where a Will disposes of Lands, or Tenements of Freehold, it is now usually proved by Witnesses in *Chancery*.

Procedendo, Is a Writ, whereby a Plea, or Cause, formerly called from a base Court to the Chancery, Kings-Bench, or Common-Pleas, by Writ of Priviledge, or *Certiorari*, is released, and sent again to the same Court to be proceeded in there, alter it appears that the Defendant has no cause of priviledge, or that the matter comprised in the Parties allegation or suggestion is not well proved. *Brooke, hoc titulo*, and *Coke, vol. 6. fo. 63.* See, *Anno 21 Ricb. 2.ca. 11. Letters of Procedendo*, granted by the keeper of the *Privy-Seal*. See in what diversity it is used in the *Table of the Register of Writs Original and Judicial*. *Anno 21 Ricb. 2.ca. 23.*

Process, (*Processus*, a *procedendo ab initio usque ad finem*) Is so called, because it proceeds (or goes out) upon former matter, either Original or Judicial; and, has two significations: First, it is largely taken for all proceeding in any real or personal, civil or criminal Action, from the Original Writ to the end. *Britton. fo. 138.* Secondly, We call that the *Process*, by which a man is called into any Temporal Court, which is always in the name of the King. See *Lamb.* in his *Tractat of Processes* adjoyning to his *Eiren*. Divers kinds of *Process* upon Indictments before Justices of the Peace, see in *Cromp. Justice of P. fo. 134.* *Special Process* is that, which is especially appointed for the offence by Statute.

Processum continuando, Is a Writ for the continuance of a *Process*, after the death of the Chief Justice, or other Justices in the Writ or Commission of *Oyer and Terminer*. *Reg. of Writs, fo. 128. a.*

Prochein amys, (Fr. *Prochain amic, proximus amicus*) Is used for him that is next of kin to a child in his nonage, and is in that respect allow'd by Law, to deal for him in managing his affairs; as to be his Guardian, if he hold in Socage, and in the redress of any wrong done him. *Stat. Westm. 1. ca. 48.* and *Westm. 2. ca. 15.* and is, in the prosecution of any action at law, *per Gardianum*, where the Plaintiff is an Infant, and *per proximum Amicum*, where the Infant is Defendant. See *2 Inst. fo. 261.*

Proclamation, (*Proclamatio*) Is a notice publickly given of any thing, whereof the King thinks fit to advertise his Subjects; so is it used *Anno 7 Ric. 2. ca. 6. 31 Hen. 8. ca. 8.* *Proclamation of Rebellion* is a Writ so called, whereby publick notice is given, where a Man, not appearing upon a *Subpana*, nor an Attachment in the Chancery, shall be reputed a Rebel, if he render not himself by a day assigned in this Writ. See *Commission of Rebellion*.

Proclamation of a Fine, Is a notice openly and solemnly given at all the Assizes, held in

the County within one year after the ingrossing it; which Proclamations are made upon transcripts of the Fine, sent by the Justices of the Common-Pleas to the Justices of Assise, and of the Peace. *West, Part 2. Symbol. tit. Fines. Sect. 132.* where also you may see the form of the Proclamation. *Proclamare est palam & valde clamare.* See Proclamations in divers cases, *New Book of Entries, verbo, Proclamations.*

P_{ro} confesso, Upon a Bill exhibited in Chancery, where the Defendant appears, and is in contempt for not answering, and is in custody; upon a *Habeas Corpus* (which is granted by order) to bring him to the Bar, the Court assigns him a day to answer, which being expir'd, and no answer put in, a second *Habeas Corpus* is likewise granted, and a further day assign'd, by which day, if he answer not, the Bill, upon the Plaintiffs Motion, shall be taken *pro confesso*, unless cause be shew'd by a day, which the Court does usually give; and, for want of such cause shew'd upon Motion, the Substance of the Plaintiffs Bill shall be decreed, as if it had been confessed by the Defendants Answer. As it was the Case of *Filmorii* and *Denny Hill.* 1662. Or, after a fourth insufficient Answer made to the Bill, the matter of the Bill, not sufficiently answer'd unto, shall be taken *pro confesso.*

P_{ro}ctors of the Clergy, (*Procureatores Clericorum*) Are those, who are chosen and appointed to appear for Cathedral or other Collegiate Churches, as also for the common Clergy of every Diocese, to sit in the Convocation House in the time of Parliament. The manner of their election see in *Cowels Interpreter* on this word. See *Prolocutor* and *Convocation*, and see *4 Inst. fo. 4.*

Procurations, (*Procurationes*) Are certain summis of Money which Parish-Priests pay yearly to the Bishop or Arch-deacon, *ratione visitationis*; They were anciently paid in necessary Victuals for the Visitor and his Attendants, but afterwards turn'd into Money. *Procurationis* is defin'd by *Vallensis*, to be *necessiariorum sumptuum exhibitio, qua ratione Visitationis, debetur ab ecclesia vel monasterio ei cui ex officio incumbit ius & onus visitandi, sive si Episcopus sive Archidiaconus, sive Decanus, sive Legatus summi Pontificis.* Anno 1290. *Md. quod die Mercurii in Fesio Sancti Luca Evang. Dominus Episcopus capit Procurationem suam in cibis & potibus apud Bordeley, & pernoveravit ibidem.* Giff. fo. 226. b. See an Historical Discourse of *Procurations* and *Synodals*, Printed Anno 1661. These are also called *Proxies*; as, *Archidiaconatus Glouc. valet clavis in Proxi, Cenag. & Pentecostal. per an. 64—10—80.* Ex Record Primitiar. 26 Hen. 8. *Sac Dier. fo. 273. b. and Claus. Rot. 31 Ed. 1. m 15. dorso.*

Procuraep, (*Anno 3 Rich. 2. Stat. 1. ca. 3.*) See *Procuator.*

Procuator, Is used for him that gathers the fruit of a Benefice for another Man. *Anno 3 Rich. 2. Stat. 1. ca. 3.* And *Procuracy* for the writing or instrument, whereby he is Authori-

sed. They are at this day in the West parts called *Proftors*.

Procurors. See *Malveis Procurors.*

Probe, alias *Probe*, Is used for an Enquest. *Anno 28 Ed. 3. ca. 13.*

Profer, (*Profrum, vel Proferum*, from the Fr. *Proferer*, i. *Producere, Edicere, Allegare,*) Is the time appointed for the Accoimpts of Sheriffs, and other Officers, in the Exchequer, which is twice in the year. *Anno 51 Hen. 3. Stat. 5.* which may be gathered also out of the Register, fo. 139. in the Writ *De Attornato vicecomitis pro profro faciendo.* We read also of *Profers, Anno 32 Hen. 8. ca. 21.* in these words; *Trinity Term Hall begin the Monday next after Trinity Sunday, whensoever it shall happen to fall, for the keeping of the Escoines, Profers, Returns, and other Ceremonies heretofore used and kept.* In which place *Profer* signifies the offer or indeavor to proceed in an Action by any Man, concerned so to do. See *Briston. ca. 28. fo. 50. b. & 55. a. & 80. b. and Elets, lib. 1. ca. 38. Sect. Ultagati & seq.* — *Praterea idem Henricus de Hastings, & antecessores sui solebant capere & de jure habere rationabiles expensas suas versus Scaccarium singulis annis, pro duobus Profris faciendis & uno compoto reddendo per annum, &c. Exact. Anno 30 Ed. 1. n. 9.*

Profer the Half-mark. See *Half-Mark.*

Profession, (*Professio*) Is used particularly for the entring into any Religious Order. *New Book of Entries, verbo Profession.*

Prohibition, (*Prohibitus*) Is a Writ to *forbid* any Court, either Spiritual or Secular, to proceed in any Cause there depending, upon suggestion, that the cognition thereof belongs not to the said Court. *Fitz. Nat. Br. fo. 39. G.* but, is now usually taken for that Writ, which lies for one that is impleaded in the Court Christian, for a Cause belonging to the temporal Jurisdiction, or the Cognisance of the Kings Court, whereby, as well the Party and his Counsel, as the Judge himself and the Register are forbidden to proceed any farther in that Cause. See *Brooke, hoc titulo*, and *Fitz. Nat. Br. fo. 93.* and *Bratton, lib. 5. Tract. 5. ca. 3. usque ad 12.* who sayes, that it lies not after Sentence given in any Cause. And the Stat. *Anno 50 Ed. 3.* ordains, that but one *Prohibition* should lie in one Cause. See the diversity of *Prohibitions* in the Table of the Register of Writs, *New Book of Entries*, on this Word, and *2 Part Inst. fo. 60.1.*

Prohibitio de batio directa parti, Is a Writ Judicial directed to the Tenant, prohibiting him, from making Waite upon the Land in controversy, during the Sute, *Reg. of Writs Judic. fo. 21.* It is sometimes made to the Sheriff, the example whereof you have next following in the same Book.

P_{ro} indibito, Is a Possession or Occupation of Lands or Tenements, belonging to two or more persons, whereof none knows his several portion; as *Coparceners* before partition. *Bratton, lib. 5. Tract. 2. ca. 1. Num. 7.*

Procuator

Prolocutor of the Convocation House (*Prolocutor Domus Convocationis*) Is an Officer chosen by Persons Ecclesiastical, publickly assembled by vertue of the Kings Writ at every Parliament : And as there are two Houses of Convocation, so are there two Prolocutors, one of the higher House, the other of the lower ; the later of which is, prently upon the first Assembly, by the motion of the Bishops, chosen by the Lower House, and presented to the Bishop for Prolocutor of the Lower House, that is, the person, by whom they intend to deliver their Resolutions to the Higher House, and to have their own House especially ordered and governed. His Office is to cause the Clerk to call the names of such as are of that House, when he sees cause, to read all things propounded, gather suffrages, and the like. *Cowell.*

Promoters (*Promotores*) Are those, who in Popular and Penal Actions, do prosecute Offenders in their name, and the Kings, having part of the Fines or Penalties for their reward. These among the Romans were called *Quadruplatores* or *Delatores*. They belong cheifly to the Exchequer, and Kings Bench. *Smith de Republic. Angl. lib. 2. ca. 14.* Sir Edw. Coke calls them *Turbidum bominum genus.* *3 Inst. fol. 197.*

Promulgated (*Promulgatus*) Published, proclaimed. *Anno 6 Hen. 8. ca. 4.*

Pronotary or Prothonotary (*Pronotarius, i. Primus notarius*) Is a cheif Clerk of the Common Pleas, and Kings Bench, whereof the first hath three, the other one : For the Pronotary of the Common Pleas (*Anno 5 Hen. 4. ca. 14.*) is termed a cheif Clerk of that Court. He of the Kings Bench Records all Actions Civil, as the Clerk of the Crown Office does all Criminal Causes in that Court. Those of the Common Pleas, since the Order of 14 Jac. upon an Agreement made betwixt the Prothonotaries and Filacers of that Court (who before did enter all Declarations and Pleas, whereunto a Serjeants hand was not required) do enter and enrol all manner of Declarations, Pleadings, Affises, Judgments, and Actions. They make out all Judicial Writs, except Writs of *Habeas Corpus* and *Distringas Jurator.* for which, there is a particular Office not much beyond the memory of Man erected, called *The Habeas Corpora Office.* They also make out Writs of Execution, and of *Seisin,* Writs of Privilege, for removing Causes from other Inferior Courts of Record, in case where the party hath cause of Privilege. Writs of *Procedendo,* of *Scire Facias* in all Cafes, and Writs to enquire of Damages; and all Proceeds upon Prohibitions, and upon Writs of *Audita Querela,* and False Judgment, *Cum multis aliis.* They enter, and enrol all common Recoveries; and may make Exemplifications of any Record in the same Term, before their Rolls are made up and brought into the Treasury of Records in that Court.

Pro partibus Liberandis, Is a Writ for the Partition of Lands between Co-heirs. *Reg. of Writs, fol. 316.*

Property (*Proprietas*) Is the highest right that a Man hath, or can have to any thing, and no ways depending upon another Mans curtesie. Which none in our Kingdom can properly be said to have in any Lands or Tenements, but onely the King in right of his Crown : Because all the Lands throughout the Realm are in the nature of Fee, and hold either mediately or immediately of the Crown. This word nevertheless is used for that right in Lands and Tenements that common persons have ; because it imports as much as *utile Dominium*, though not *Directum.* See *Fee.*

Prophecies (*Propetria*) Are in our Statutes taken for wizzardly fore-tellings of Matters to come, in certain hidden and enigmatical Speeches ; whereby great confusions have been often caused in this Kingdom, and great attempts made by those, to whom such Speeches promised good success, though the words are mystically framed, and point onely at the Cognizance, Arms, or some other quality of the parties. *Anno 3 Edw. 6. ca. 15.* And 7 Eliz. dem. ca. 11. And 5 Eliz. ca. 15. But these for distinction sake, are called *Fond, False, or Phantastical Prophecies.* *3 Inst. fol. 128.*

Propounders. The 85 Cha. of Cokes. 3 Institutes, is entituled, *Against Monopolists, Propounders, and Projectors;* where it seems to be used onely as a Synonimia to *Monopolists.*

Proprietary (*Proprietarius*) Is he that hath a property in any thing, *Quae nullius arbitrio est obnoxia.* But it was heretofore most comonly used for him that hath the Fruits of a Benefice to himself, and his Heirs, or Successors, as in time past, Abbots and Priors had to them and their Successors. See *Appropriation.*

Proprietate Probanda, Is a Writ that lies for him, who would prove a property before the Sheriff. *Reg. of Writs, fol. 82. & 85.* For where a Property is alleged, a Replegiare properly lies not. *Brook, Property I.*

Pro rata, i. Pro proportione. *Anno 16 Car. 2. ca. 6.*

Pro rata portiones. See *Oneranda prorata portiones.*

Prorogue (*Prorogo*) To prolong, defer, or put off to another day, to continue. *Anno 6 Hen. 8. cap. 8.* The difference between a *Prorogation,* and an *Adjournment* or *Continuance* of the Parliament, is, That by the Prorogation in open Court, there is a Session, and then such Bills as passed in either House, or by both Houses, and had no Royal assent to them, must at the next Assembly begin again : For every several Session of Parliament is in Law, a severall Parliament ; but if it be but adjourned or continued, then is there no Session, and consequently all things continue in the same state they were in before the Adjournment. *4 Inst. fol. 27.*

Prosecutor, Is he that followeth a Cause in an others name. See *Promoter*.

Protection (*Protectio*) Is generally taken for that benefit and safety, which every subject, denizen, or alien, specially secured, hath by the Kings Laws. *Anno 25 Edw. 3. cap. 22.* And it is used specially for an Exemption or Immunity, given by the King to a person a nst Sutes in Law, or other vexations, upon reasonable causes him thereto moving, which is a Branch of His Prerogative. And of this Protection, *Fitzherbert (Nat. Br. fol. 28.)* makes two sorts: The first he calls a Protection, *cum clausula, Volumus* — Whereof he mentions four particulars, 1. A Protection, *Quia profecturus*, for him that is to pass over Sea in the Kings service. 2. *Quia moraturus*, for him that is abroad in the Kings service upon the Sea, or in the Marches. *Anno 7 Hen. 7. cap. 23.* For the Kings Debtor, that he be not sued no: attached, till the King be paid his debt. *Anno 15 Edw. 3.* And 4. in the Kings service beyond Sea, or on the Marches of Scotland. *Anno 1 Rich. 2. cap. 8. Reg. of Writs, fol. 23.* And *Britton, cap. 123.*

The second form of Protection is *Cum clausula Nolumus*, which is granted most commonly to a Spiritual Company for their Immunity from having their Cattle taken by the Kings Ministers: But it may also be granted to a single person Spiritual or Temporal. Protection extends not to *Pleas of Dower, Quare Impedit, Aggs of Novel Disseisin, Darien Presentment, Attains, nor Pleas before Justices in Eyre.* See *New Book of Entries* on this word.

Proto-forestarius, Was he whom our ancient Kings made cheif of *Windsor Forest*, to hear all causes of death, or mayhem there. *Cam. Brit. pag. 213.* A kinde of a Lord Cheif Justice in Eyre.

Protest (*Protestari*) Hath two divers Applications, one is by way of cautel, to call witness (as it were) or openly to affirm, That he doth either not at all, or but conditionally yeeld his consent to any act, or unto the proceeding of a Judge in a Court, wherein his Jurisdiction is doubtful, or to answer upon his Oath, further then he is by Law bound *Reg. of Writs, fol. 306. b.* The other is by way of complaint to *Protest* a Mans Bill: As if I pay money to a Merchant in France, taking his Bill of Exchange to be repaid in England by his Factor or Assignee, if at my coming I finde not my self satisfied, but either delaid or denied, then I go into the Exchange, and *Protest* that I am not paid or satisfied by him. And thereupon, if he hath any Goods within the Realm, the Law of Merchants allows me satisfaction out of them.

Protestation (*Protestatio*) Is (as Justice *Walsh* defines it) a defence of safeguard to the party that makes it, from being concluded by the Act he is about to do, that Issue cannot be joynd upon it. *Plowden, fol. 276. b.* It is a Form of pleading, when one does not directly affirm, nor directly deny any thing that is al-

leaged by another, or which he himself al-leageth.

Prothonotary. See *Pronotary*.

Probe. See *Profe*.

Prover (*Probator*) *Anno 28 Edw. 1. And 5 Hen. 4. cap. 2.* See *Approver*. And 3 Part Inf. fol. 129. A Man became an Approver and appealed five, and every of them joynd battle with him, *Et duellum percussum fuit cum omnibus, & Probator devicit omnes quinque in duello, quorum quatuor suffendebantur, & quintus clamabat esse Clericum & allocatur; & Probator pardonatur.* *Mich. 39 Edw. 3. coram Rege Rot. 97. Suff.*

Province (*Provincia*) Was used among the Romans for a Country, without the compals of Italy, gained to their subjection by the Sword, of which, that part of France next the Alps, was one, and still retains the name. But with us a Province is most usually taken for the Circuit of an Archbishops Jurisdiction, as the Province of Canterbury, and that of York. *Anno 32 Hen. 8. ca. 23. and 33 Eiusdem, ca. 31.* Yet it is often used in our Statutes for several parts of the Realm; and sometimes for a County.

— *In Placito Agnetis que fuit uxor Radulphi de Butiller versus Priorem de Repindon, pro terra in Pykinton, Prior dicit quod nulla villa est in Provincia illa, que sic vocatur. Placit. de Juratis & Affisis apud Derby. Pasch. 53 Hen. 3. Rot. 2.*

Provincial (*Provincialis*) Is a cheif Governor of a Religious Order, as of Friars, &c. *Anno 4 Hen. 4. cap. 17.*

Prohibition (*Provicio*) Is used with us, as it is in the Canon Law, for the providing a Bishop, or any other person with an Ecclesiastical living, by the Pope, before the Incumbent be dead. It is also called *Gratia expectativa* or *Mandatum de providendo*. The great abuse whereof through all Christendom heretofore, you may read not only in *Duarenus de sacris Ecclesiæ Ministeriis & Beneficiis, lib. 3. cap. 2.* But also particularly in *England*, mentioned in divers of our Statutes, viz. *35 Edw. 3. cap. 22. stat. 4. & 5.* commonly called the Stat. *De Provicionibus, & 27 & 38 Eiusdem, stat. 2. Anno 2 Rich. 2. cap. 7. & 3 Eiusdem, cap. 3. & 7 Eiusdem, cap. 12. Anno 2 Hen. 4. cap. 3. & 4. & Anno 3 Hen. 5. cap. 4.* See *Primumire*.

Provisor, Is generally taken for him that hath the care of providing things necessary; a Purveyor; but more especially in our Statutes it signifies one that sued to the Court of Rome for a Provision, (which *Vide supra.*) *Old Nat. Br. fol. 143.* who were prohibited by Proclamation, *42 Hen. 3. Anno 1258. Holl. pag. 259. b. 18.* *Provisores dicuntur, qui vel Episcopatum vel Ecclesiasticum alias Dignitatem in Romana Curia fibi ambiebant, quod ex gratia expectativa nuncuparent, quia usque dum vacaret expectandum esset.* Spel.

Proviso, Is a Condition inserted into any Deed, upon the observance whereof the validity of the Deed depends; it sometimes signifies a Covenant. *Cokes & Rep. Lord Cromwells Case.*

Case. It hath also another signification in matters Judicial; as if the Plaintiff or Demandant be slow or desit in prosecuting an Action, by not bringing it to a Tryal, the Defendant or Tenant may take out the *Venire Facias* to the Sheriff, which hath in it these words *Proviso quod*—To this end, that if the Plaintiff take out any Writ to that purpose, the Sheriff shall Summon but one Jury upon them both. In which case, we call it, bringing down the Record, or going to Tryal, by *Proviso*. See *Old Nat. Br. fol. 159.* In *Nisi Prius*.

Probost-Marshal, An Officer in the Kings Navy, who hath charge of the Prisoners taken at Sea. *Anno 13 Car. 2. cap 9. art. 30.* And is sometimes used for a like purpose at Land, or to seise or arrest any within the Jurisdiction of his place or office.

Progege. See *Senege*. **Quare**, If it be not the payment of Proxies or Procurations.

Proties (Sir John Davies Rep. fol. 4.) Are yearly payments made by Parish-Priests to their Bishop or Archdeacon, *Ratione Visitationis*. See *Procurations*, and the *Case Inter Regem & Sir Ambros. Forth, 2 Jac.* in the Exchequer.

Pryk, Is a kinde of Service and Tenure. — *Nich. Filius & Hæres Nich. de Longforde Chivalier, tenet quatuor Messagia, 40 Acres terra, decem Acres prati & lxs. redditus cum pertinentiis in Kinwaldmersh, de Rege in Capite, per servitium inventiendi unum equum, unum saccum, & unum Pryk in guerra Wallie, quodcumque contingit Regem ibi guerrare.* Mich. Fines 1 Rich. 2. Derby. fol. 204.

Publick Faith, (*Fides Publica*) *Anno 17 Car. 1. cap. 18.* Was a Rebellious Cheat, to raise Money of the seduced People, upon the Publick Faib of the Nation, to make a wicked and causeless War against a most Religious and Gracious Sovereign, which began in or about the year 1642.

Pucellage (*Pucellagium*, Fr. *Pucelage*) Virginity, Maiden-head. — *Quod tenuit eam dum idem B. abstulit Pucellagium suum, vel quid concubuit cum ea.* Bracton, lib. 3. tract. 2. cap. 28. num. 2, 3, & 5. In an ancient MS. I finde it written *Puellagium*. *In placito pro Raptu, sic continxetur — quod ipsam de Puerlagio suo felonice, & totaliter defloravit.* Inter Plac. Mich. 19 Edw. 3. London. 159.

Wudhepec (Sax.) — *Si Wudhepec* (i. nemoris casio) *Parco Regis vel Foresta fiat*, 30 manc. emendetur, nisi Propositione propensior amplius exigat. LL. Hen. 1. cap. 38. But the Learned Spelman believes it to be false written, for the Saxon *wudhepec*, i. *Wudhepec*, the W. in that Character being like the P. in ours.

Pudzeld (Coke on Littl. fol. 233.) The same with *Woodgeld*; for it seems to be a mistake of the Saxon *pudgeld*.

Puisne (Fr. *Puisné*) Younger, Puny, born after. See *Mulier*.

Pundbrech (A Sax. *Pund*, i. *Parcus & bpech*, i. *fractura*) *Si Pundbrech* (i. *Fractura Parci*) *fiat in Curia Regis plena Wytafit;* alibi quinque manca. LL. Hen. 1. cap. 40. It is the illegal

taking of Cattle out of the *Pound*, either by breaking the *Pound*, picking the Lock, or otherwise.

Purchas (*Purchacia*, from the Fr. *Pourchaser*) Is to buy Lands or Tenements with ones Money, or otherwise gain it by ones industry, contradistinguished from that which comes to one by descent from his Ancestors. *Gaufridus de Mandevilla Comes Essexiae fundator Canobii Sancti Jacobi Waldensis in Charta prima — Contulit, &c. omnes Ecclesiæ inferius annotatas, tam de Dominio meo, quam de empis & Purchasiis, &c.* *Joinct-Purchas* (*conjunctionem perquisitum*) *Reg. of Writs*, fol. 143. b. Is where two persons or more joyn in a Purchase of Lands.

Purfles of a Womans Gown (from the Fr. *Pousfiler*, *Anno 33 Hen. 8. cap. 5.*) A sort of trimming for Womens Gowns, then in use; it was made of Tinsel, or Gold-Thred, or Lace, and was also called *Baudkin Work*. So *Cam. tit. Ireland*, speaks of a Mantle or Shag-rug, with a deep fringed Purse.

Purgation (*Purgatio*) Is the clearing ones self of a crime, whereof he is probably and publickly suspected, and thereof accused before a Judge. Of this there was great use in England, touching matter of Felony imputed to Clerks in former times, as appears by *Statm. Pl. Cor. lib. 2. cap. 48.* and *Westm. 1. cap. 2.* See *Clergy*. It is still observed in matters pertaining to the Ecclesiastical Court, as suspition or common fame of incontinency, or such like.

Purgation is either *Canonical* or *Vulgar*; *Canonical*, is that which is prescribed by the Canon Law; the form whereof, is usual in the Spiritual Court, the person suspected taking his Oath, That he is clear of the Fact objected; and bringing so many of his honest Neighbors, not above Twelve, as the Court shall assign him, to swear upon their Consciences and Credulity, that he swears truly: The *Vulgar*, and ancient manner was by fire, or water, or by combat, used by Infidels and Christians also, till by the Canon Law it was abolished. But *Combat*, though now disused, may be still practised by the Laws of the Realm, in Cases doubtful, and where there is a want of evidence, or other proof, if the Defendant chuse rather the combat, then other tryal. See *Ordel* and *Combat*.

Purificatio Beatz Mariz Virginis. (*Anno 32 Hen. 8. cap. 21.*) See *Candlemas*.

Purlue or **Purlieu** (from the Fr. *Pur*, i. *Purus*, & *lieu, locus*) Is all that Ground near any Forest, which, being made Forest by *Henry the Second*, *Richard the First*, or *King John*, were by *Perambulation* granted by *Henry the Third* severed again from the same, and became *Purlue*, i. Pure and free from the Laws and Ordinances of the Forest. *Manwood, Par. 2. For. Laws, cap. 20.* See the Stat. 33 Edw. 1. stat. 5. And the *Perambulation* whereby the *Purlies* is Deafforested, is called *Pourallee*, i. *Perambulatio. 4 Inst. fol. 303.*

Purlieu-Man, Is he that hath Ground within the Purlieu, and being able to dispense forty shillings per annum of Freehold, is licensed to hunt in his own Purlieu. *Marewood, part 1. pa. 151. 157.* but, what observations he must use in his hunting see more in him, *pa. 180,* and *Par. 2. ca. 20. Num. 5. 8. 9.*

Purpresture, (From the Fr. Pourprist and Pourprest, i. *Integre arreptum*) *est proprie terra aliena clandestina usuratio, ejusdemque vicina scriptio.* See *Purpresture.*

Purpristum, (Fr. Pourpri) A Close, or Enclosure; also the whole compas or extent of a Mannor or Place. — *Donavi cū meum Purpristum de Kirkeham & domos meas & molendinum & prata, &c. Carta Walteri Epsic Priorat de Kirkeham. in Mon. Angl. 2 Par. fo. 106. n. 40.*

Purrel, (*Anno 35 Eliz. ca. 10.*) A List ordained to be made at the end of Kervies, to prevent deceit in diminishing their length.

Pursy, (*Anno 43 Eliz. ca. 10.*) A Term among Clothiers. See *Rewy.*

Purtubant. See *Purrsuivant.*

Purbeyance. See *Pourveyance.*

Purbieu, (Fr. Pourveu, A Patent, Gift, Grant; and *Pourveu que*, so that, on condition that) Sir Edward Coke often uses it in his Works for the Body or that part of an Act of Parliament which begins with *Be it Enacted* — *The Stat. of 3 Hen. 7. stands upon a Preamble and a Parview. 12 Rep. fo. 20.*

Putage, (*Putagium*) *Fornicatio ex parte feminæ: quasi puttam agere, a Gall. Putte, i. Meretriz.* — *Quod autem generaliter soler dici, Putagium hereditatem non admittit; illud intelligentium est de putagio Matris; quia filius hæres legitimus est, quem nuptria demonstrant.* *Glanv. l. 7. ca. 12.*

Putura, (q. *Potura*) A Custom claimed by Keepers in Forests, and sometimes by Bailiffs of Hundreds, to take Mans meat, Horse meat, and Dogs meat of the Tenants and Inhabitants gratis, within the perambulation of the Forest, Hundred, &c. This Custom within the liberty of Knaresburg was long since turned into the payment of 4 d. *pro Putura.* *MS. de temp. Ed. 3. Pl. Coron. in Com. Ebr. de Anno 21 Ed. 3. Putura in Cheshire de Bowland. 4 Inst. 307.*

Per Puturam servient. *Johannes Stanley Ar. clamat habere de quolibet tenente, aliquam terram vocatam Duld Organg Lands possidente, quilibet sexta septimana ultum prout Paterfamilias residens super bujusmodi terram habuerit.* *Pl. in Itin. apud Cestriam 14 Hen. 7.* And the Land subject to this Custom is called *terra puturata.* *Pla. apud Cestr. 31 Ed. 3.*

Placita apud Preston 17 Edw. 3. coram Willielmo de Sharehull, Rogero de Hungerford, Henrico de Hungerford, Henrico de Hanbury, Simone de Pakeman, & Rogero de Hillary.

Johannes de Radcliffe, Seneschallus libertatis de Penwortham attachatus fuit ad respondentium Abbatii de Evesham de placito, &c. Johannes clamat unam Puturam in Prioratu de

Penwortham, qui est quedam Cella Abbatia de Evesham, pro se & Ministris, equis & garcionibus suis, per unum diem & duas noctes, de tribus septimanis in tres septimanas, vir. de vitudinibus, ut in esculentis, & poculenis, ad custus Prioratus predicti, indebita.

Pyker alias Pycar, A kind of Ship, mentioned *Anno 31 Edw. 3. Stat. 2. ca. 2.*

Pirate. See *Pirate.*

Q.

Quadragesima Sunday, Is the first *Sunday* in Lent, and so called, because it is about the fortieth day before Easter. See *Quinquagesima.*

Quadrantata terra. See *Fardingca.*

Quadrugata terra, A Teem Land; *qua* quatuor equis agitur. — *Willielmus Prior de Tutebur. & omnes Monachis ejusdem loci concesserunt Ormo de Acouere & heredibus suis unam Quadrugata terræ qua astinet ad Man. de Maleford solam & quietam sicut tenuit in diebus Henr. de Ferr. &c. pro octo sol. redd. per ann. ad Festum S. Martini, &c. Sine dat. M. S. Will. Dugdale Ar.*

Quæ plura, Was a Writ that lay where an Inquisition had been made by an Escheator, of such Lands or Tenements, as any man died seized of, and all was supposed not to be found by the Office; this was therefore to enquire what more Lands or Tenements the party dyed seized of. The form see in *Reg. of Writs, fo. 293.* and in *Fitz. Nat. Br. fo. 255.* This Writ is now made useless by taking away the Court of Wards and Offices *post mortem.* *Anno 12 Car. 2. ca. 2.*

Quærens non invenit plegium, Is a return made by the Sheriff, upon a Writ directed to him, with this Condition inserted. *Si A. fecerit B. securum de clamore suo prosequendo,* &c. *Fitz. Nat. Br. fo. 38.*

Quæ servitia, Is a Writ. See *Per quæ servitia.*

Quam diu se bene gesserit, Is a Clause often used in Letters Patent of the Grant of Offices, as in those to the Barons of the Exchequer; which must be intended in matters concerning their Office; and is no more than the Law would have imply'd, if the Office had been granted for life. *4 Inst. fo. 117.*

Quale jus, Is a Writ Judicial, that lies, where a man of Religion has Judgment to recover Land, before execution is made of the Judgment; for this Writ must go forth to the Excheator, between Judgment and Execution, to enquire whether the Religious Person has right to recover, or whether the Judgment be obtained by Collusion between the Demandant and Tenant, to the intent that the true Lord be not defrauded. See *Westm. 2. ca. 32.* The form of

of it see in Reg. of Writs Judic. fo. 8. 16. and New Book of Entries.

Quantum meruit, i. How much he has deserved; an Action of the Case so called, grounded upon a promise to pay a man for doing any thing so much as he should deserve or merit.

Quare ejicit infra terminum, Is a Writ that lies for a Lessor, in case where he is cast out of his Farm, before his term be expired, against the Feoffee or Lessor that ejects him; And it differs from the *Ejectione firme*; because this lies where the Lessor, after the Lease made, enfeoffs another, who ejects the Lessor; the *Ejectione firme* lies against any other stranger that ejects him. The effect of both is all one, which is, to recover the residue of the term. See *Fitz. Nat. Br.* fo. 197, and *Reg. of Writs*, fo. 227.

Quare impedit, Is a Writ that lies for him, who has purchased an *Advowzen*, against him that disturbs him in the right of his *Advowzen*, by presenting a Clerk thereto, when the Church is void. And it differs from the Writ called *Affise ultima Presentationis*, because that lies, where a man or his Ancestors formerly presented; and this for him that is the purchaser himself. Where a man may have that *Affise*, he may have this *Writ*, but not contrariwise. See new Book of Entries on this *Writ*. *Braston*, lib. 4. Tract. 2. ca. 5. *Fitz. Nat. Br.* fo. 32. and *Westm.* 2. ca. 5.

Quare incumbzabit, Is a Writ that lies against the Bishop, who, within six Moneths after the vacacion of a Benefice, confers it on his Clerk, whilst two others are contending in Law, for the right of presenting. *Old Nat. Br.* fo. 30. *Fitz. Nat. Br.* fo. 48. and *Reg. of Writs*, fo. 32.

Quare intrusit matrimonio non satisfactio, Is a Writ that lay for the Lord against his Tenant, being his Ward, who, after convenable Marriage offer'd him, marries another, and enters nevertheless upon his Land, without agreement first made with his Lord and Guardian. But all Wardships being taken away (by *Act 12 Car. 2. ca. 24.*) This Writ is become useless.

Quare non permittit, Is a Writ, that lies for one, that has right to present for a turn against the Proprietary. *Fleta*, lib. 5. ca. 16.

Quare non admisit, Is a Writ that lies against the Bishop, refusing to admit his Clerk, who has recover'd in a Plea of *Advowzen*, *Fitz. Nat. Br.* fo. 47.

Quarentena habenda, Is a Writ that lies for a Widdow to enjoy her *Quarentene*, *Reg. of Writs*, fo. 175.

Quarentene, (Quarentena,) Is a benefit allow'd by the Law to the Widow of a Landed Man deceased, whereby she may challenge to continue in his capital Messuage, or chief Mansion-House, (so it be not a Castle) by the space of 40 dayes after his decease. *Braston*, lib. 2. ca. 40. And, if the heir, or any other attempt to eject her, she may have the *Writ de Quarentena habenda*, *Fitz. Nat. Br.* fo. 161. *Maneat* (*vidua*) in *Capitali Messuagio mariti sui per quadraginta dies post obitum mariti sui, infra quos dies assignetur ei dominus, nisi prius assignata fuerit*,

rit, vel nisi dominus illa sit Castrum. Mag. Carta ea. 7. — See Fleta, lib. 5. ca. 23.

Quarentene signifies also a quantity of ground containing 40 Perches, — *quatuor carucatas terra arabilis, continentem in longitudine 8 quarentenas, & 8. quarentenas in latitudine* Chart. Withlasii Regis Merciorum apud Ingulf. — *Nam longe debet esse pars Regis a porta sua ubi residens facitur a quatuor partibus loci illius, hoc est quatuor miliaria & tres quarentena & novem acra latitudine, & 9 pedes, & 9 palma & novem grana ordei.* *LL. Hen. 1. ca. 17.* *Quarentena in London ponetur pro respectu habend. per 40 dies post summonitionem per breve Regis, ut consulant, &c. si sibi viderint expedire.* *MS. de temp. Ed. 3.* *Penes Johannem Trevor Arm.* And *Quarentine* is also the Terme of 40 dayes, wherein any person, coming from Foreign Parts infected with the Plague, is not permitted to land, or come on shore, untill so many dayes are expired.

Quare obstruxit, Is a Writ that lies for him, who, having a liberty to pass through his neighbours ground, cannot enjoy his right, for that the owner has so strengthened it. *Fleta*, lib. 4. ca. 26. *Sect. Item si minus.*

Quarel, (Querela, a querendo) This properly concerns personal Actions, or mixt at the highest, for the Plaintiff in them is called *Querent*, and, in many of the Declarations in trespass it is said *queritur*. Yet, if a Mans release all *Quarels*, or querels, (a Mans Deed being taken most strongly against himself) it is as strong as all Actions; for, by it all actions real and personal are released.

Quareria, A Quarry of Stone. — *Praterea dedi eis Turbariam, & Petrarium & Quarriam, ubicunque inventire poterint in territorio villa de Hepp, &c.* *Mon. Ang. Par. 2. fo. 595.b.*

Quarter. — *Eight Bushells striked make the Quarter of Corn.* *Anno 15 Rich. 2. ca. 4.*

Quarter-Sessions, Is a Court held by the Justices of Peace in every County once every Quarter of a year, *as Edw. 3. Stat. 1. ca. 8.* How farre the Jurisdiction thereof extends, see *Lamb. Eiren. lib. 4.* and *Sir Tho. Smith de repub. Angl. lib. 2. ca. 19.* Originally it seems to have been erected only for matters touching the breach of the Peace; but now it extends much farther, by power given to the Justices of Peace by many late Statutes.

Quash, (*Quassare. Fr. Quasser.*) To overthrow or annul. *Braston*, lib. 5. Tract. 2. ca. 3. num. 4. *Anno 11 Hen. 8. ca. 2.* *As, if the Bailiff of a liberty return any out of his Franchise, the Array shall be quashed; as an Array, returned by one that has no Franchise, shall be quash'd.* *Coke on Lit. fo. 156.*

Querbord, (*Anno 17 Edw. 4. ca. 3.*) A kind of Game, prohibited by the said Statute: perhaps the same we now call *Shovellord*.

Que est mesme, (Signifying verbatim, which is the same thing) Is used with us, as a word of Art, in an action of trespass or such like, for a direct justification of the very act complained

of by the Plaintiff, as a wrong. For example, in an Action of the Case, the Plaintiff says, the Lord threatened his Tenants at will in such sort, as he forced them to give up their Lands. The Lord for his defence pleads, that he said unto them, if they would not depart, he would sue them at Law: This being the same threatening that he used, or, to speak artificially, *que est le meisme*, the Defence is good. See *Kitchin*, in *Cba.* *Que est le meisme*, fo. 236.

Que estate. Signifies verbatim, which estate, or the same Estate; and is a Plea, whereby a man, entitling another to Land, &c. saith, that the same estate himself had, he has from him; For example, in a *Quare impedit*, the Plaintiff allegeth, that such four persons were seized of Lands, whereunto the Adweson in question was appendant in Fee, and did present to the Church, and afterwards the Church was void, *que estate*—that is, which estate of the four persons he has now during the vacation, by virtue whereof he presented, &c. *Broke tit. que estate*, fo. 175. and see *Coke on Litt.* fo. 121.

Queen (Regina) Is either she that holds the Crown of this Realm by right of Blood, or she that is Marryed to the King, which last is called *Queen Consort*. In the former signification, she is in all construction the same that the King is, and has, the same power in all respects: In the latter, she is inferior, and a person exempt from the King; for, she may sue, and be sued in her own name: yet, what she hath is the Kings, and what loseth the King loseth. *Stamp. Prerog.* ca. 2. fo. 10. and *Coke, lib. 4. Copyhold-Cases*, fo. 23. b.

Queen gold. (*Aurum Regina*) Is a Royal Duty, or Revenue belonging to every Queen Consort, during her Marriage to the King of England, both by Law, Custom, and Prescription, payable by sundry persons in England and Ireland (upon divers Grants of the King) by way of Fine or Oblation, amounting to ten Markes or upwards; to wit, one full tenth part above the entire Fine, as Ten pounds for every Hundred pounds Fine, upon Pardons, Contracts, or Agreements; which becomes a real debt and duty to the Queen, by the name of *Aurum Regina*, upon the Parties bare agreement with the King for his Fine, and recording it, without any promise or contract, for this tenth part exceeding it. *Lib. Nig. Sac.* p. 43. 44. *Cokes 12. Rep.* fo. 21. 22. and *Mt. Prys's Tractate* on this Subject per 10.

Quem redditum reddat, Is a Writ Judicial, lying for him to whom a Rent-Seck, or Rent-Charge is granted, by Fine levied in the King's Court, against the Tenant of the Land, that refuseth to attorn to him, thereby to cause him to attorn. *Old. Nat. Br.* fo. 156.

Querela freste fortis, Is a Writ. See *Frestforce*.

Querela coronam Regis & Consilio, &c. Is a Writ, whereby one is called, to justify a complaint of a Trespass made to the King himself, before the King and his Counsel, *Reg. of Writs*, fo. 124.

Questus est nobis, &c. Is the form of a Writ of Nusance, which, by the Stat. *Anno 13 Ed. I. ca. 24*, lies against him to whom the House or other thing that breeds the *Nusance* is alienated; whereas before the Statute this Action lay only against him that first levied, or caused the *Nusance* to the damage of his Neighbor.

Quia improbide, Seems to be a *Supersedeas* granted in the behalf of a Clerk of the Chancery, sued against the priviledge of that Court, in the Common-Pleas, and pursued to the *Exigend*, or in many other cases, where a Writ is erroneously sued out, or misawardred. See *Dyer*, fo. 33. n. 18.

Quid juris clamat, Is a Writ Judicial, issuing out of the Record of a Fine, which remains with the *Custos Breviarium* of the Common-Pleas, before it be engrossed (for after it cannot be had) and it lies for the Grantee of a reversion or remainder, when the particular Tenant will not attorn. *Westl. par. 2. Symbol. tit. Fines.* *Sc. 118.* See *New Book of Entries*, on this Writ.

Quid pro quo, Is an artificial Speech, signifying as much as the Greek *οὐδὲνάλλεγμα* among the *Civilians*, which is a mutual performance of both parties to a Contract, or a giving one thing for another, as 10 l. for a Horse, *Kitchin*, fo. 184.

Quietancia sette Hundredi & Witchmote —*Per hæc verba* *Johannes Stanley Ar. clamat quid ipse & tenentes sui non teneantur venire ad Curiam istam.* *Pl. in Itin. apud Cestriam 14 Hen 7.* See *Acquietacia*.

Quietancia Assisarum super Assisam —*Per hæc verba* *Johannes Stanley clamat, quod ipse, & tenentes & residentes sui non ponantur in Assis jurat. nec magnis Assis. Plac. ut supra.*

Quietus, (i. Freed or acquitted) Is a word used by the Clerk of the Pipe, and Auditors in the Exchequer, in their Acquittances or Discharges given to Accountants; usually concluding with *abinde recessit quietus*, which is called a *Quietus est*, and is mentioned in the *Act of general Pardon*, 12 Car. 2. ca. 11. and 14 Car. 2. ca. 21. A *Quietus est* granted to the Sheriff, shall discharge him of all accounts due to the King. *Anno 21 Jac. ca. 5.*

Quinquagesima Sunday, Is that we call *Shrove-Sunday*, and is so called, because it is about the fifteth day before Easter; of which you may read in *Durandi Rationali Divinorum, cap. de Quinquagesima*, and mentioned in *Britton*, and other ancient Law-writers.

Quinque portus, The Cinque-ports, which are, 1. *Hastings*, 2. *Romene*, 3. *Hethe*, 4. *Dover*, and 5. *Sandwich*. To the first *Winchelsea* and *Rye* belong, which are reckoned as part or members of the Cinque-ports. — *Servilium quod Barones Quinque Portuum prescriptorum recognoscunt facere ad summonitionem Regis per annum, si contigerit per 15 dies ad custum corrum proprium; ita quod primus dies computatur a die quo velu novum exierunt, usque partes ad quas tendens*

n dere debent, vel ulterius quaudiu Rex toluerit ad custum ejus. See *Cinque Ports.*

Quinsieme or **Quinzeime** (*Decima quinta*) Is a French word signifying a Fifteenth; with us it is a Tax, so called, because it is raised after the Fifteenth part of Men's Lands or Goods. *Anno 10 Richiz. cap. 1.* and *7 Hen. 7. cap. 5.* See *Fifteenth and Tax.* It is well known by the *Exchequer Roll*, what every Town throughout England is to pay for a Fifteenth. Sometime this word *Quinsieme* or *Quinzeime* is used for the fifteenth day after any Feast, as the *Quinzeime* of St. John Baptist. *Anno 13 Ed. 1.* in the Preamble.

Quintane (*Quintana*) Fr. *Quintaine & Bersant*) A kind of exercise that young Men did, and still do use in some parts of this Nation (especially Shropshire,) by breaking Poles on Horse-back against a strong Plank or Buttermess set up in the High-way, most used at marriages. What it was anciently, *Matthew Paris* thus delivers. —*Eo tempore juvenes Londini statuto Pavone pro bravio, ad stadium quod Quintana vulgariter dicitur, vires proprias & equorum cursori sunt experti.* In *Hen. 3 sub initio Anni 1253.*

Quint-eract (*Anno 31 Eliz. cap. 3.*) *Quinto exetus,* Is the last Call of a Defendant, who is sued to the Outlary, when, if he appear not, he is by the judgment of the Coroners, returned outlawed; if a Feme, waved. See *Exigent.*

Quinzeime. See *Quinsieme.*

Quiteclaim (*Quieta clamantia*) Is a Release or Acquiring a Man for any Actions; that he hath or may have: A quitting of ones Claim or Title. *Braeton, lib. 5. tract. 5. cap. 9. num. 9.* and *Lib. 4. tract. 6. cap. 13. num. 1.*

Quit-rent (*Quietus Redditus*) *Quasi, Quiet-rent,* is a certain small Rent, payable yearly by the Tenants of most Mannors, which when paid, the Tenant is quiet and free, till it becomes due again. This in some ancient Records is written *White-rent*; because paid in Silver.

Quod ei Deforceat, Is a Writ that lies for the Tenant in Tail, Tenant in Dower, or Tenant for Life, against him that entred or took away their Land recovered, or against his Heir. See *Brook hoc sit. Reg. of Writs, fol. 171.* and *Westm. 2. cap. 4.*

Quod Clerici non elegantur in Officio Balibhi, &c. Is a Writ that lies for a Clerk, who, by reason of some Land he hath, is made, or like to be made either Bailiff, Bedgl, or Reeve, or some such like Officer. See *Clerico infra sacros, &c.* And *Regist. of Writs, fol. 187.*

Quod permittat, Is a Writ that lies for the heir of him that is disseised of his Common of Pasture, against the heir of the Disseisor, being dead. *Briton (cap. 8.)* says, This Writ lies for him, whose Ancestor died seized of Common of Pasture, or other like thing annexed to his Inheritance, against the Disseisor. See *Brook hoc sit.* and *New Book of Entries.*

Quod Clerici beneficiati de Cancellaria, Is a Writ to exempt a Clerk of the Chancery, from contributing towards the Proctors of the Clergy in Parliament. *Regist. of Writs, fol. 261. a.*

Quod persona nec Prebendarii, &c. Is a Writ that lies for Spiritual Persons that are disstrained in their Spiritual Possessions, for the payment of a Fifteenth, with the rest of the Parish. *Fitz. Nat. Br. fol. 176.*

Quod non permittat. See *Consuetudinibus & Seruitiis.*

Quo jure, Is a Writ, that lies for him who hath Land, wherein another challengeth Comon of Pasture; time out of minde; and it is to compel him to shew by what title he so challenges it. *Fitz. Nat. Br. fol. 123.* and *Britton, cap. 59.* at large.

Quo minus, Is a Writ that lies for him, who hath a grant of House-bote and Hay-bote, in another Mans Woods, against the Grantor making such Waste, as the Grantee cannot enjoy his Grant. *Old Nat. Br. fol. 148.* and *Kitchin, fol. 178.* This Writ also lieth for the Kings Farmer in the *Exchequer*, against him to whom he fells any thing by way of Bargain, touching his Farm, or who oweth him any Money, or against whom he hath any cause of Personal Action. *Perkins, Grants 5.* For he supposeth by the Vendees detaining any due from him, he is made less able to pay the King Rent. Under which pretence any one, who pays the King a Fee-farm Rent, may have this Writ against any other person for any debt, or damage, and bring the Cause to tryal in the *Exchequer.*

Quo Warranto, Is a Writ that lies against him, who usurps any Franchise or Liberty against the King, as to have Waif, Stray, Fair, Market, Court-Baron, Leet, or such like, without good Title. *Old Nat. Br. fol. 149.* or else against him that intrudes himself as heir into Land. *Braeton, lib. 4. tract. 1. cap. 2. num. 3.* And *18 Edw. 1. stat. 2 & 3.* And *30 Ejusdem.* See also the *New Book of Entries.*

Quorum, Is a word often mentioned in our Statutes, and much used in Commissions, both of Justices of the Peace, and others. As for example, where a Commission is directed to five persons, or to any three of them, whereof *A. B.* and *C. D.* to be two, in this Case *A. B.* and *C. D.* are said to be of the *Quorum*, because the rest cannot proceed without them. So a Justice of the Peace and *Quorum* is one, without whom, the rest of the Justices in some cases cannot proceed. *Anno 3 Hen. 7. cap. 3.* And *32 Hen. 8. cap. 43.*

Quyke, Was anciently used for a Live or Quick Beast. *John Bracebridge of Kinnerbury Esq;* in his Will, dated *7 Hen. 8.* Ordained, *That his best Quyke should be taken in the name of his Mortuary.*

R.

Rachetum alias Rachatum (from the Fr. Rachater or Rachefer, i. Redimere) Theifbote, the Compensation or Redemption of a Theif. Nullus capiat Rachetum, hoc est Theifbute de Latrocino. 1 Stat. Rob. R. Scot. cap. 9.

Rack (Fidicula, sic dicit, quis cu*r*rei in eccl^eo torquentur, ut fides inveniatur) An Engin, in the Tower, with Cords, and Strings, to extort Confession from Delinquents. John Holland, Earl of Huntingdon, was by King Henry the Sixth, created Duke of Exeter, Anno 15 H.6. the King granted to him the Office of Constableship of the Tower. He and William de la Poole, Duke of Suffolk, and others, intended to have brought in the Civil Laws: For a beginning whereof, the Duke of Exeter, being Constable of the Tower, first brought into the Tower the Rack or Brake, allowed in many Cases by the Civil Law; and thereupon it was called The Duke of Exeters Daughter, because he first brought it thither. 3 Inst. fol. 35.

Rack-bintage (Anno 32 Hen. 8. cap. 14.) Is a second Vintage or Voyage for Wines by our Merchants into France, &c. for Rack'd Wines, that is, Wines drawn from the Lees, from this Voyage, our Merchants commonly return about the end of December, or beginning of January.

Rad Knights. See Rod Knights.

Radechenistres, i. Liberi homines. Domesday, iii. LEOFMINSTER (Lemster) — Ibi erant 8 Praepositi, & 8 Bedelli, & Radecbenistres, 238 Villani, & 75 Bordarii, &c.

Radman, Domesday, iii. Herefseire. 15 Bordar. Praepositus & unus Radman, &c. Seems to be the same with Rad-Knight.

Rageman, Is a Statute so called, of Justices assygned by Edward the First and his Council, to hear and determine, throughout all England, all Complaints of Injuries done within five years next before Michaelmas, in the Fourth year of His Raigne.

Ragmans Roll. Edward the Third (says Sir Richard Baker in his Chronicle, fol. 127.) surrendered by His Charter, all His Title of Sovereignty to the Kingdom of Scotland, restored divers Deeds and Instruments of their former Homages and Fealties, with the famous Evidence called Ragmans Roll.

Ran (Sax.) Aperta Rapina, so open a spoiling a Man, as it cannot be denied. Hoveden, inter ea qua Willielmus primus constituit in emendationem legum Angliae, parte post. Hen. 2. — Decretum est etiam ibi, ut si Francigena appellaverit Anglicum, de perjurio, aut murdro, furto, homicidio, Ran, quod dicunt apertam rapinam, quod negari non potest, Anglicus se defendet per quod melius voluerit, aut judicio

ferri, aut duello. Consonant whereunto it is to this day vulgarly said by one, who taketh the Goods of another injuriously, and by violence: He hath taken all he could Rap and ran; rap, from rapio, to snatch.

Range (from the Fr. Ranger, i. To order, array, or dispose of) Is used in the Forest Laws, both as a verb (as to range) and as a Substantive (as to make range) Char. de Foresta, cap. 6. The Ranger is a sworn Officer of the Forest, of which sort, there are Twelve, Idem. cap. 7. whose authority is partly described by his Oath, set down by Manwood, Par. 1. pag. 50. but more particularly, in Par. 2. cap. 20. num. 15, 16, & 17. His Office chiefly consists in these three points, Ad perambulandum quotidie per terras deafforestatas, ad ridendum, audiendum & inquirendum tam de malefatis, quam de malefactoribus in Balliva sua; ad refugandum feras forestae iam Veneris quam Chastea de terris deafforestatas, in terras afforestatas & ad presentandum omnes transgressiones Forestae in terris deafforestatas factas, ad proximas Curias illius Forestae tentas. This Ranger is made by the Kings Letters Patent, and hath a Fee of 20 or 30 l. paid yearly out of the Exchequer, and certain Fee-Deer.

Ransome (Redemptio, Fr. Rencon.) Signifies properly the sum paid for redeeming a Captive, or Prisoner of War, and sometimes a great sum paid for the pardoning some heinous crime. Anno 1 Hen. 4. cap. 7. and 11 Hen. 6. cap. 11. When one is to make a Fine and Ransom, the Ransom shall be treble to the Fine. Cromp. Just. of Peace, fol. 142. a. And Lamb. Eiren. lib. 4. cap. 16. pag. 556. Horn (in his Mirror of Justices) makes this difference between Americament and Ransom; that Ransom is the redemption of a corporal punishment, due by Law to any offence. Lib. 3. cap. de Americament taxable. See Coke on Littl. fol. 127. a.

Rape (Rapus vel Rapa) Is a part of a County, signifying as much as a Hundred, and sometimes Quod plures in se continent Hundredos: As, all Suffex is divided into six Rapes only; viz. The Rape of Chichester, Arundel, Brember, Lewis, Peuensey, and Hastings; every of which, besides their Hundreds, hath a Castle, River, and Forest belonging to it. Cam. Brit. pag. 225. & 229. These parts are in other Countries called Tithings, Lathes, or Wapentakes. Smith de Repub. Angl. lib. 2. cap. 16.

Rape (Raptus) Is when a Man hath carnal knowledge of a Woman by force, and against her will: But if the Woman conceive, it is no Rape, for she cannot conceive unless she consent. Coke on Littl. lib. 2. cap. 11. fol. 190. This offence is Felony in the Principal, and his Aiders. Anno 13 Rich. 2. stat. 2. cap. 1. 11 Hen. 4. cap. 13. — 1 Edw. 4. cap. 1. and Westm. 2. cap. 13. and shall not be allowed Clergy. Anno 18 Eliz. cap. 7. But Fleta says, the complaint must be made within forty days, else the Woman may not be heard. Lib. 3. cap. 5. fol. 19. Praterea. And carnal knowledge of a Woman under

under ten years old is Felony. *Anno 8 Eliz. cap. 6.* Of the diversity of Rapes, see Cromptons *Justices of Peace*, fol. 43 & 44. The offender is called *Raptor*, a *Ravisher*, and in Brattons time he was punished with the loss of his Eyes and Stones, *Quia calorem stupri induxerunt. 3 Inst. fol. 60.*

Rape of the Forest (*Raptus Forestæ*) *Inter delicta numeratur quorum cognitio ad unicum Regem spectat.* LL. Hen. 1. cap. 10. — *Violentus concubitus, Raptus Forestæ, Relevaciones Barorum suorum.* Sc. Trespass committed in the Forest, by violence.

Rapine (*Rapina*) To take a thing secretly against the owners will, is properly Theft, openly, or by violence, is *Rapine.* *Anno 14 Car. 2. cap. 22.* and 18 *Eiusdem, cap. 3.*

Raptu hereditis, Is a Writ lying for the taking away an heir, holding in Socage; of which, there are two sorts, one when the heir is married; the other, when not. Of both, see *Reg. of Writs, fol. 163. b.*

Rase (*Raseria*) — *Toll shall be taken by the Rase, and not by the Heap or Cantel.* Ordinance for Bakers, Brewers, &c. cap. 4. it seems to have been a measure of Corn, now disused — *Debentur ei annuatim decens & octo Raserie avenæ & sex Raserie ordeis, Sc. Spec.*

Rate Tythe, Is where Sheep or other Cattle are kept in a Parish for less time than a year, the owner must pay Tythe for them *Pro rata*, according to the Custom of the place. *Fitzb. Nat. Br. fol. 51.* *Brook, Disms. 26.* *Pro rata dicimus pro proportione, vel proportionaliter.* *Lindwood.*

Ratification (*Ratificatio*) A ratifying or confirming: It is particularly used for the confirmation of a Clerk in a *Precbend*, &c. formerly given him by the Bishop, &c. where the right of Patronage is doubted to be in the King. See *Reg. of Writs, fol. 304.*

Rationabili parte bonorum; Is a Writ that lies for the Wife, against the Executors of her Husband, denying her the third part of her Husband's goods, after Debts and Funeral charges paid. *Fitzb. Nat. Br. fol. 222.* who there cites the 18 *Chapter of Magna Charta*, and *Glanville*, to prove, that, according to the Common Law of England, the goods of the deceased, his debts first paid, should be divided into three parts, whereof his Wife to have one, his Children the second, and the Executors the third: And this Writ lies as well for the Children, as for the Wife; which appears also by the *Reg. of Writs, fol. 162. b.* Yet it seems to have use, only where the Custom of the Country serves for it. See the *New Book of Entries*, on this word.

Rationabilibus dibus, Is a Writ, that lies where two Lords have their Seigneuries joining together, for him that finds his Waste encroached upon within the memory of Man, against the encroacher, thereby to rectify the bounds of their Seigneuries; in which respect, *Fitzherbert* calls it, in its own nature, a *Writ of*

Right. The *Old Nat. Br.* says this may be by *Justicies*, which may be removed by a *Pone* out of the County, to the Common Bench. See *Fitz. Nat. Br. fol. 128.*

Rabishment (*Raptus, Fr. Ravissement, i. Directio, raptio*) Signifies an unlawful taking away either a Woman, or an Heir in Ward. Sometimes it is also used in one signification with *Rape*.

Ravisher (*Raptor*) He that deflowres a Woman by violence. See the penalty for *Ravishing*, or being *Ravished*, does afterwards consent, in the Statute of 6 Rich. 2. cap. 6. See *Rape*.

Rap, Seems to be a word appropriated to Cloth, never coloured or dyed. *Anno 11 Hen. 4. cap. 6.* Worsted Ray. *Anno 17 Rich. 2. cap. 3.*

Reafforested, Is where a Forest hath been disafforested, and again made Forest; as the Forest of Dean by the Stat. 20 Car. 2. cap. 3.

Realty, Is an abstract of *real*; and is contradistinguished from *Personalty*.

Reasonable Aid (*Rationabile auxilium*) Was a duty, which the Lord of the Fee claimed of his Tenants holding by Knights-service, or in Soccage, to marry his daughter, or make his eldest Son a Knight. *Westm. 1. cap. 39.* But see the Stat. 12 Car. 2. cap. 24.

Reattachment (*Reattachiamentum*) Is a second Attachment of him, who was formerly attached, and dismissed the Court without day, as by the not coming of the Justices, or some such casualty. *Brook, hoc titulo.* Where he makes *Reattachment General* and *Special*, *General*, is where a Man is reattached for his appearance upon all Writs of *Affise* lying against him. *Brook codem, num. 18.* Then, *Special* must be for one or more certain. *Reg. of Writs Judicial, fol. 35.* See the *New Book of Entries*, *verbo*, *Reattachment*.

Rebellion (*Rebellio*) Did anciently signify a second resistance of such, as being formerly overcome in battle by the Romans, yielded themselves to their subjection. But now we use it generally, for the traitorous taking arms against the King, be it by Natural Subjects, or by others, formerly subdued. *Rebel* is sometimes attributed to him that wilfully breaks a Law. *Anno 25 Edw. 3. cap. 6.* And 31 *Eiusdem, fol. 3. cap. 2.* Sometimes to a Villain disobeying his Lord. *Anno 1 Rich. 2. cap. 6.* *Commission of Rebellion*, see in *Commission*.

Rebellious Assembly, Is a gathering together of Twelve persons or more, intending so going about, practising or putting in use unlawfully of their own authority, to change any Laws or Statutes of the Realm, or to destroy the enclosure of any Park or of Ground enclosed, or Banks of any Fishponds, Pool, or Conduit, to the intent the same shall remain void, or to the intent, unlawfully to have Common, or Way in any of the said Grounds, or to destroy the Deer in any Park, or any Warren of Conneys, Dove-Houses, Fish

in any Ponds, or any House, Barns, Mills, or Bays, or to burn Stacks of Corn, or to abate Rents or Prizes of Victuals. Anno 1 Mar. cap. 12. and 1 Eliz. cap. 7. See *Writs*, par. 2. *Symbol.* tit. Indictments. *Sect.* 65. and *Cromp. Justice of Peace*, fol. 41. b.

Rebutter (Fr. *Bouter*, i. Repellere, To repel or bar) A Man grants Land to the use of himself, and the issue of his Body, to another in Fee with Warranty, and the Donee leaseth out the Land to a third person for years, the heir of the Donor impleads the Tenant, al-leaging the Land was in Tayl to him: The Donee comes in, and by vertue of the Warranty made by the Donor, repels the heir, because though the Land was intailed to him, yet he is heir to the Warrantor likewise: And this is called a Rebutter.

Again, if I grant to my Tenant to hold *Sine imputacione vesti*, and afterward implead him for Waste made, he may debar me of this Action, by shewing my grant; which is likewise a Rebutter. *Brook tit. Bar.* num. 23 & 25. See the *New Book of Entries*, verbo, Rebutter. And *Coke in Littl. fol. 265. a.*

Recaption (*Recaptio*) Signifies a second Distress of one formerly distrained for the same cause, and also during the Plea grounded on the former Distress. It likewise signifies a Writ, lying for the party thus distrained, the form and further use whereof, see in *Fitz. Nat. Br.* fol. 71. *Reg. of Writs*, fol. 86. and *Reg. Judicial*, fol. 69.

Receiver (Receptor and Receptator) Is used commonly in the evil part for such as receive stolen Goods from Theives, and conceal them; but annexed to other words, as Receiver of Rents, &c. It signifies an Officer of good account, belonging to the King, or other great Personage. *Cromp. Jurisd.* fol. 18. There is also an Officer called the Receiver of the Fines upon original Writs in Chancery.

Receiver-General of the Dutchy of Lancaster, Is an Officer belonging to the Dutchy Court, who gathers in all the Revenues and Fines of the Lands of the said Dutchy, and all Forfeitures and Assessments, or what else is thence to be received. Anno 39 Eliz. cap. 7.

Receiver-General of the Muster Rolls. Anno 35 Eliz. cap. 4:

Receipt. See *Receit*.

Recluse (*Reclusus*) Is he who being entered into a Religious Order, is shut up there, and stirs not out of the House or Cloyster. *Littl. fol. 92.*

Recognizance (Fr. *Reconnaissance*, i. Recognition) Is a Bond or Obligation, testifying the Recognizor to owe the Recognizee a sum of Money, and is acknowledged in some Court of Record, or before some Judge, Master of Chancery, Justice of Peace, &c. Anno 23 Hen. 8. cap. 6. Some Recognisances are not sealed, but enrolled; and Execution by force thereof, is of all the Recognizors Goods and Chattels (except Draught-Beasts, and Implements of Husbandry,) and the Moyety of his Lands. *Writs*,

par. 1. *Symb. lib. 2. sect. 149.* And *Reg. of Writs*, fol. 146, 151, & 252.

Recognizance hath another signification, as appears in the Statute of Westm. 1. cap. 36. For it is there provided and agreed, That if any Man be attainted of *Diffrisin* done in the time of the King that now is, or for taking any manner of Goods, or Moveables, and it be found against him by Recognizance of Assise of Novel-Diffrisin, the Judgment shall be, &c. where it is used for the Verdict of the Twelve Men impanelled upon an Assise; which Twelve are also called *Recognitors* of the Assise. *Littl. fol. 72.* *Bracton*, lib. 5. tract. 2. cap. 9. num. 2. and lib. 3. tract. 1. cap. 11. num. 16. See the Statute of 20 Edw. 1. stat. 4. and *New Book of Entries*, verbo, *Recognizance*.

Recognizor, Is he to whom one is bound in a Recognizance. Anno 11 Hen. 6. cap. 10.

Recognition (*Recognitio*) An acknowledgment. It is the title of the first Chapter of the Stat. 1 Jac.

Recognitione adnullanda per him & drittum facta, Is a Writ to the Justices of the Common Bench, for the sending a Record touching a Recognizance, which the Recognizor suggests to have been acknowledged by force and hard dealing; that, if it so appear, it may be disannulled. *Reg. of Writs*, fol. 183.

Recognitoz (*Recognitores*) Is a word used for the Jury impaneld upon an Assise. The reason why they are so called, is, because they acknowledge a Diffrisin by their Verdict. *Bracton*, lib. 5. tract. 2. cap. 9. num. 2. See *Recognizance*.

Record (from *Recordare*, to remember) Signifies an authentical and uncontrollable testimony in writing, contained in Rolls of Parchment, and preserved in Courts of Record, and they are said to be *Vetusatis & veritatis vestigia*. *Coke Praef.* to 8 Rep. An Act committed to writing in any of the Kings Courts, during the Term wherein it is written, is alterable, and no Record; but that Term once ended, and the Act duly enrolled, it is a Record, and of that credit, that admits no alteration or proof to the contrary. *Brook tit. Record*, num. 20. & 22. yet see *Cokes Rep. lib. 4. Rawlins Case*, fol. 52. b. The King may make a Court of Record by his Grant. *Glanville*, lib. 8. cap. 8. *Britton*, cap. 121. As Queen Elizabeth by Her Charter, dated 26 Aprilis, Anno 3 Regni sui, made the *Confessor Court* of the University of Cambridge, a Court of Record. There are reckoned three sorts of Records, viz. A Record Judicial, as Attainer, &c. A Record Ministerial upon Oath, as an Office or Inquisition found; a Record made by Conveyance and Consent, as a Fine or Deed enrolled, or the like. *Coke lib. 4. Ognes Case*, fol. 54. b.

Recordare facias, or **Recordari facias**, Is a Writ directed to the Sheriff, to remove a Cause, depending in an Inferior Court, as Court of Ancient Demesne, Hundred or County, to the Kings Bench or Common Pleas. *Fitz. Nat. Br.* fol. 71. B. & C. Where, and in what Cases

Cases this Writ lies, read *Brook, tit. Recordare & Pone.* It seems to be called a *Recordare*, because it commands the Sheriff, to whom it is directed, to make a *Record* of the proceedings by himself, and others, and then to send up the Cause. See the *Register, verbo, Recordare*, in the Table of Original Writs.

Recogder (*Recordator*) Is he, whom the Major, or other Magistrate of any City or Town Corporate, having Jurisdiction or a Court of Record, within their Precincts by the Kings Grant, does associate unto him, for his better direction in matters of Justice, and proceedings according to Law. And he is for the most part, a person well seen in the Common Law.

Recordo & Processumittendis, Is a Writ to call a *Record*, together with the whole Proceedings in the Cause, out of an Inferior Court into the Kings Court. See the Table of the *Register of Writs*.

Recordo utlagarizmittendo, Is a Writ Judicial, which see in *Reg. Judic. fol. 32.*

Recovery (*Recuperatio, i. Recuperare*) Signifies an obtaining any thing by Judgment or Tryal of Law, as *Evidio* does among the *Civilians*. But there is a true Recovery, and a feigned. The true one is an actual or real Recovery of any thing, or the value thereof by Verdict and Judgment. A feigned Recovery is a certain form or course set down by Law, to be observed for the better assuring Lands or Tenements unto us; the end and effect whereof is, to discontinue and destroy Estates in Remainder and Reversion, and to Bar the Intails thereof. And to this Formality, there are (in a Recovery with single Voucher) required three parties, the *Demandant*, the *Tenant*, and the *Vouchee*. The *Demandant*, is he that brings the *Writ of Entry*, and may be termed the *Recoverer*. The *Tenant* is he, against whom the Writ is brought, and may be called the *Recoveree*. The *Vouchee* is he, whom the *Tenant* *Voucheth*, or calls to Warranty for the Land in demand. A Recovery with double Voucher, is where the Tenant voucheth one, who Voucheth another, or the Common *Vouchee*; and a Recovery with treble Vouchers, is where three are Vouched. See *West, par. 2. Symb. tit. Recoveries, sect. 1.*

But, to explain this Point: A Man, that is desirous to cut off an Estate-tail in Lands or Tenements, to the end, to sell, give, or bequeath them, causeth (by the contrivance of his Council or Attorney) a feigned Writ of Entry, *Sur Difcissin in le Posse*, to be brought for the Lands, of which, he intends to dock or cut off the Intail; and, in a feigned Count or Declaration therupon made, pretends he was disseised by him, who, by a feigned Fine or Deed of Bargain and Sale, is named and supposed to be Tenant of the Lands. This feigned Tenant, if it be a single Recovery, is made to appear and vouch the *Bag-bearer* of Writs, for the *Custos Breuium*, in the Court of Common Pleas (in which Court only the said Common

Recoveries are to be suffered) who makes default; whereupon a Judgment is, by such Fiction of Law, entred, That the *Demandant* shall recover, and have a *Writ of Seisin*; for the possession of the Lands demanded, and that the *Tenant* shall recover the value of the Lands, against the Lands of the *Vouchee-Bag-bearer*, a poor unlanded and illiterate person, which is feigned to be a satisfaction for the Heir in Tail, though he is never to have or expect it; one *Edward Howes*, a *Bag-bearer*, and Common *Vouchee*, having in the space of 25 or 30 years, passed or suffered to be recovered against him, by such fictitious Actions and Pleadings, a considerable part of the Lands of *England*, and obliged his own Lands, when he had none at all, to answer the value of the Lands, recovered against the *Tenants* or *Remainders* in Tail. This feigned Recovery is also called a *Common Recovery*; because it is a beaten and *Common Path* to that end, for which it is ordained; viz. To cut off the Estates above specified. See *New Book of Entries, verbo, Recovery*.

Recoupe (from the Fr. *Recouper*, i. To cut again; also to reply quickly and sharply to a peremptory Demand) We use it to Default or Discount. As, if a Man hath Ten pound issuing out of certain Land, and he disseise the Tenant of the Land in an Affise brought by the Disseisee, the Disseisor shall *Recoupe* the Rent in the Damages.

Recreant (Fr.) Cowardly, faint-hearted. Hence *Recreantise*. See *Cravent*.

Recto, Is a Writ, called a *Writ of Right*, which is of so high a nature, that whereas other Writs in Real Actions, are only to recover the possession of the Lands or Tenements in question, which have been lost by an Ancestor, or by the Party *Demandant* himself, this aims to recover both the *Seisin*, which some Ancestor or the *Demandant* himself had; and also the property of the thing, whereof the Ancestor died not seized, as of *Fee*, and whereby are pleaded and tryed both their Rights together, viz. That of Possession and Property. And if a Man once lose his cause upon this Writ, either by Judgment, Affise, or Battel, he is without remedy, and shall be excluded, *Per exceptionem recti judicatae*. *Brafston, lib. 5. tract. 1. cap. 1. & seq.* where you may read much on this subject. See *Right*.

It hath two species: *Rectum Patens*, a Writ of Right Patent; and *Rectum Clausum*, a Writ of Right Close. The first is so called, because it is sent open, and is in nature the highest Writ of all other, lying always for him that hath Fee-simple in the Lands sued for, and not for any other. And when it lies for him that challenges Fee-simple, and in what Cases, See *Fitz. Nat. Br. fol. 1. C.* whom see also *fol. 6.* of a special *Writ of Right* in *London*, otherwise called a *Writ of Right*, according to the *Custom of London*. This Writ is also called *Brete magnum de Recto*. *Reg. of Writs, fol. 9.* and *Fleta, lib. 5. cap. 32. sect. x.*

A Writ of Right close, Is a Writ directed to a Lord of ancient Demesne, and lies for those, who hold their Lands and Tenements by Charter, in Fee-simple, or in Fee-tayl, or for term of life, or in Dower, if they are ejected out of such Lands, or disseised. In this case a man or his heir may sue out this *Writ of right close*, directed to the Lord of ancient Demesne, commanding him to do him right in his Court. This is also called *Breve parvum de Recto*, Reg. of Writs, fo. 9. and Britton. ca. 120. in fine. See also *Fitz. Nat. Br. fo. 11.* & seq.

Yet, note that the *Writ of right patent* seems to be extended farther in use then the original intention: For a Writ of right of Dower, which lies for the Tenant in Dower, is *patent*, as appears by *Fitzherb. Natura. Brevium*, fo. 7. E. The like may be said in divers other cases; of which see also the *Table of Reg. of Writs*, verbo, *Recto*. This Writ is properly tryed in the Lords Court between Kinsmen, who claim by one title from their Ancestor. But, how it may be thence removed, and brought either to the County or Kings Court, see *Fleta*, lib. 6. ca. 3, 4 & 5. *Glanville* seems to make every Writ, whereby a Man sues for any thing due unto him, a *Writ of Right*, lib. 10. ca. 1. lib. 11. ca. 1. lib. 12. ca. 1.

Recto de dote, Is a Writ of Right of Dower, which lies for a Woman, that has received part of her Dower, and proceeds to demand the Remnant in the same Town, against the Heir. Of this see more in *Old. Nat. Br. fo. 5.* and *Fitz. fo. 7. E. Reg. of Writs*, fo. 3. and *New Book of Entries*, verbo, *Droyt*.

Recto de dote unde nihil habet, Is a Writ of right, which lies in case, where the Husband, having divers Lands or Tenements, has assured no Dower to his Wife, and she thereby is driven to sue for her Thirds against the Heir or his Guardian. *Old. Nat. Br. fo. 6. Reg. of Writs*, fo. 170.

Recto de rationabili parte, Is a Writ that lies alwayes between privies of Blood, as Brothers, in *Gavelkind*, or Sisters, or other Coparceners, as Nephews or Necces, and for Land in Fee-simple. For example, if a Man leave his Land for Life, and afterwards dies, leaving issue two Daughters, and after the Tenant for life likewise dies, the one Sister entring upon all the Land, and so deforcing the other, the Sister so deforced shall have this Writ to recover her part. *Fitz. Nat. Br. fo. 9. Reg. of Writs*, fo. 3.

Recto quando Dominus remisit, Is a Writ of right, which lies in case where Lands or Tenements that are in the Seigniory of any Lord, are in demand by a *Writ of right*. For, if the Lord hold no Court, or otherwise, at the Prayer of the Demandant or Tenant, shall send to the Court of the King, his Writ, to put the Cause thither for that time, (saving to him at other times the right of his Seigniory) then this Writ issues out for the other party, and has its name from the words therein comprised, being the true occasion thereof. This Writ is *close*,

and must be returned before the Justices of the Common-Bank: *Old. Nat. Br. fo. 16. Reg. of Writs*, fo. 4.

Recto de abdicatione Ecclesie, Is a Writ of right, lying where a man has right of *Advowson*, and the Parson of the Church dying, a stranger presents his Clerk to the Church, and he not having brought his Action of *Quare impletum*, nor *darrein presentment* within six Moneths, but suffer'd the Stranger to usurp upon him. Which Writ he only may have that claims the *Advowson*, to himself and his heirs in Fee. And, as it lies for the whole *Advowson*, so it lies also for the half, the third or fourth part. *Old Nat. Br. fo. 24. Reg. of Writs*, fo. 29.

Recto de custodia terra & heredis, Is a Writ, which, by the Stat. 12 Car. 2. ca. 24. is become useless; as to Lands holden in *Capite* or by *Knight-service*, but not where there is *Guardian* in Socage, or appointed by the last will and Testament of the Auncstor. The form of it see in *Fitz. Nat. Br. fo. 139.* & *Reg. of Writs*, fo. 161.

Recto sur disclaimer, Is a Writ that lies, where the Lord, in the Court of Common-Pleas, does avow upon his Tenant, and the Tenant *Disclaims* to hold of him, upon which *Disclaimer* he shall have this Writ, and if the Lord aver and prove, that the Land is holden of him, he shall recover the Land for ever. *Old Nat. Br. fo. 150.* which is grounded on the Statute of *Westm. 2. ca. 2.*

Recto; (Lat.) Signifies a Governor: And *Rector Ecclesia parochialis*, Is he that has the Charge or Cure of a Parish-Church, *qui tantum jus in Ecclesia parochiali habet, quantum Prelatus in Ecclesia Collegiata*. It has been over-ruled, that *Rector Ecclesia parochialis* is he that has a *Parsonage*, where there is a *Vicaridge* endow'd, and he that has a *Parsonage* without a *Vicaridge*, is called *Persona*: But, the distinction seems to be new and subtle. It is certain *Braeton* uses it otherwife (lib. 4. Tract. 5. ca. 1.) in these words, *Et sciendum, quod Rectoribus Ecclesiarum parochialium competit Affisa, qui instituta sunt per Episcopos & Ordinarios, ut Persona*. Where it is plain, that *Rector* and *Persona* are confounded. Note also these words there following; *Item dici possunt Rectores Canonici de Ecclesiis præbendatis. Item dici possunt Rectores, vel quasi Abbates, Priors & alii, qui habent Ecclesiæ ad proprios usus*. See *Vicar*.

Rectory, (Rectoria) Is taken *pro integra Ecclesia parochiali, cum omnibus suis iuribus, prædictis, decimis, aliisque proventuum speciebus*. Spelman.

Rectus in Curia, i. Right in Court: Is he that stands at the Bar, and no man objects any offence against him. *Smith de Repub. Angl. lib. 2. ca. 3.*

Reddendum, Is used substantively for the clause in a Leaf, &c. whereby the Rent is reserved to the Lessor. *Coke*, lib. 2. *Cromwells case*, fo. 72. b.

Reddition, (Redditio) Is a judicial confession and acknowledgment that the Land or thing in demand belongs to the Defendant, or at least

not to himself. Anno 34 & 35 Hen. 8. ca. 24. Perkins, Dover, 379. 380.

Redemptions, (Redemptiones) *Multa gravissima, utpote qua pro affirmatione capitii ipsius delinquentis impinguntur, Anglice Ransomes. See Misericordia.*

Redisseisin, (Redisseisina) Is a Disseisin made by him, who once before was found and adjudged to have disseised the same Man of his Lands or Tenements: for which there lies a special Writ, called a Writ of Redisseisin. Old. Nat. Br. fo. 106. Fitz. Nat. Br. fo. 188. See New book of Entries on this word. The punishment for Redisseisin see in the Stat. 52 Hen. 3. ca. 8.

Redmans, or **Radmans**, *Domeslay in fine Cestrescire. Tit. Lanc. Blackburn Hundred.* — Rex E. tenuit Peneverdant. Ibi 11 Car. sunt in Dominio & 6 Burgenses, & 3 Radmans, & 8 Vil. & 4 Bovar. These Redmans may be the same in signification as the Rod or Rad Knights, Men, which by the Tenure, or Custom of their Lands were to ride with, or for the Lord of the Manor about his basines or affairs.

Redubbosz, or **Adubbosz**, Are those that buy stoln Cloth, and, to the end it may not be known, turn it into some other Colour or Fashion. Briton. ca. 29. and see 3 Inst. fo. 134.

Re-enter, (From the Fr. Rentre, i. *Rursus intrare*) Signifies the resuming or re-taking that possession, which we had lately foregone. As, if I make a Lease of Land or Tenement, I do thereby foregoe, or quit the Possession; and, if I condition with the Lessee that for non-payment of the Rent at the day, it shall be lawful for me to re-enter; this is as much, as if I conditioned to take again the Land into my own hands, and to recover the possession by my own fact, without the assistance of Judge or Proces.

Rier County. See Rier County.

Re-extent, is a second Extent made upon Lands or Tenements, upon complaint made, that the former Extent was partially executed. Brook, tit. Extents, fo. 313.

Regal fishes, (Anno 1 Eliz. ca. 5.) Are Whales and Sturgeons; some add Porpusses. The King, by His Prerogative ought to have every Whale cast on shore, or Wrecked in all places within this Realm (unless granted to Subjects by special words) as a Royal-fish. The King himself shall have the Head and Body, to make Oyl and other things, and the Queen the Tail to make Whalebones for her Royal Vestments. Pat. 1 Edw. 1. m. 25. dorso. See *Tract. de Auro Regina*, pa. 127.

Regalia, (Anno 13 Eliz. ca. 16.) Dicuntur *jura omnia ad fiscum spectantia*: The Rights of a King, which the Civilians say are six. 1. Power of Judicature. 2. Power of Life and Death. 3. All kind of Arming. 4. Masterless Goods. 5. Assessments. 6. And the value of Money. See *Royalties*. Also the Crown, Scepter with the Cross, Scepter with the Dove, St. Edwards Staff, four several Swords, the Globe, the Orbe with the Cross, and other such

like used at the Coronation of our Kings, are called Regalia. See the Relation of the Coronation of King Charles the Second in Bakers Chron.

Regalis Justicia, — Item præfati Baronies, (sc. Quinque Portuum) habere debent, ut asserunt, per Chartam suam Regalem Justiciam in villa Gernemuth, tempore Etia una cum Balivo seu Præposito villa prædicta, viz. Cognitionem *Affise panis, ulnarum, ponderum & aliarum mensurarum, & similiter boide Strand & Denne*, secundum consuetudines suas usitatas, &c. Rot. Parl. 8 Ed. 2. Nu. 262.

Regardant. Villain regardant, was called regardant to the Mannor, because he had the charge to do all base, villainous services within the same, and to see the same freed of all filthy and loathsome things that might annoy it, Coke on Litt. fo. 120. This word is onely applied to a Villain or Neif, yet in old Books it was sometimes apply'd to Services. *ibid.*

Regard, (Regardum & Rewardum) from the Fr. *Regard*, i. *Aspectus, respectus*; though it has a well-known general signification of any care or respect, yet a special also, wherein 'tis used onely in matters of the Forest, and there two wayes; one for the Office of the Regarder, the other for the compass of ground belonging to the Regarders charge. Cromp. Jurid. fo. 175. 199. Touching the former, thus *Manwood. The Eyre, general Sessions of the Forest, or Justice seat, is to be kept every third year; and, of necessity the Regarders of the Forest must first make their Regard, which must be done by the Kings Writ; And, the Regarder is to go through the whole Forest, and every Baslywic, to see and enquire of the Trespasses therein; ad videndum, ad inquirendum, ad imbreviandum, ad certificandum, &c. Part 1. Pa. 194, & 198.* Touching the second, the compass of the Regarders charge is the whole Forest, that is, all that ground which is parcel of the Forest; for, there may be Woods within the limits of the Forest, which are no part thereof, and those are without the Regard. *Manwood, Part 2. ca. 7. num. 4. Anno 20 Car. 2. ca. 3.*

HENRICUS Rex Anglorum omnibus Forestariis suis de Glocestria, salutem. Sciatis me concessisse & præsenis carta confirmasse Ecclesiam S. Jacobi de Bristowa (in qua sepulchrum est Robertus Comes Glocestriæ avunculus meu) & Monachum ibidem Deo servientibus, pro salute mea, & pro anima ipsius Comitis, quod terra ipsius Ecclesie, & Monachorum in ea Deo servientium de Gifelcia, & boscos ejusdem terra, sint quieta de Rewardo & decimatione exigentia pro Essarts. Et prohibeo ne inter Assarta amodo computetur. Teste Roberto Episcopo Winton.

Regarder, (Regardator; Fr. *Regardeur* &c. *Spectator*) Is an Officer of the Kings Forest, who is sworn to make the Regard of it, as has been used in ancient time; and, to view and enquire of all offences of the Forest, as well of Vert, as of Venison, and of all concealments of any offences.

offences or defaults of the Foresters, and all other Officers of the Kings Forest, concerning the Execution of their Offices, &c. More particulars of the Regarders Office, how he is chosen, and the form of his Oath, see in *Manwood*, pag. 1. pag. 188. 195. & 207. & *Cromp. Juris. fol.* 153.

Regio Assensu, Is a Writ, whereby the King gives His Royal Assent to the Election of a Bishop or Abbot. *Reg. of Writs*, fol. 294. b.

Register (*Registrum*, from the old Fr. *Gister*, *i. In lecto reponere, suo loco constitutere*) Signifies the Office, Books, and Rolls, wherein the proceedings at the Chancery, or any Spiritual Court, are recorded: The Writer and Keeper whereof, is called the Register, in Latin *Registrarius*.

Register is also the name of a Book, wherein are expressed most of the Forms of Writs used at the Common Law, called the Register of the Chancery; of which, thus Spelman — Codex dicitur quo Brevis Regis, tam originalia quam judicialia formularum inscribuntur; Hujus Codicis meminit Westm. 2. cap. 24. & 25. This Register is one of the most ancient Books of the Common Law; according to Coke on Little, fol.

Register of the Parish Church (*Registrum Ecclesiae Parochialis*) is that wherein Baptisms, Marriages, and Burials are, in each Parish, every year orderly Registered. Which was laudably instituted by the Lord Cromwell in September, Anno 1538. While he was Vicar-General to King Henry the Eighth.

Regius Professor (Anno 12 Car. 2. c. 17.)
Henry the Eight founded Five Lectures in each University, viz. Of Divinity, Hebrew, Greek, Law, and Physick; the Readers of which Lectures are called in the University Statutes, Regii Professores.

Regrator (*Regratarius*, Fr. *Regrateur*) Did anciently signify such, as bought by great, and sold by retail. *Anno 27 Edw. 3. stat. 1. cap. 3.* But now it signifies him that buys and sells any Wares or Virtualls; in the same Market or Fair, or within four miles thereof. *Anno 5 Edw. 6. cap. 14. & 13 Eliz. 25.* In the Civil Law he is called *Dardanarius*, a *Dardano quodam Bujus sceleris aptiore*. In ancient time, both the *In-groffer* and *Regrator* were comprehended under the word *Forestaller*. *2 Inst. 195.*

Kehabere facias seisinam quando Wiccomes liberabit seisinam de majoze parte, quam deberet, Is a Writ Judicial. Reg. of Writs Judic. fol. 13, 51. There is another Writ of this Name and Nature, fol. 54.

Rehabilitation. (*Anno 25 Hen. 8. cap. 21.*) Is one of those Exactions mentioned in the said Statute, to be claimed by the Pope heretofore in England; and seems to signify a *Bal or Breve*, for re-enabling a Spiritual Person to exercise his Function, who was formerly disabled; or a *restoring to former ability*.

Rejoinder (*Rejunctio*) Signifies an Answer or Exception to a Replication: For first, the

Defendant puts in an Answer to the Plaintiffs Bill, which is sometimes called an Exception. The Plaintiffs Answer to that, is called a Repli-cation; and the Defendants to that, Duplication, in the Civil Law, and Rejoinder with us, espe-cially in Chancery. *West*, par. 2. *Symbol.* tit. Chan-cery, sect. 56.

Kekpenis. Constitut. Rob. Dunelm. Episc.
Anno 1276. cap. 3. —Porro huic Sandioni ad-
dicimus, quod si plures liberi proprium habentes,
in parentum pariter familia vivant, ad denarios
qui nuncupantur **Kekpenis** minime arcentur,
cum sic communiter intrinsecis aluntur a paren-
tibus, sic in-extrinsicis ab eisdem latentur pariter
se defendi.

Relation (*Relatio*) Is, where, (in consideration of Law) two times, or other things are considered, as if they were all one; and by this, the thing subsequent is said to take his effect by *relation* at the time preceding: As if A. deliver a writing to B. to be delivered to C. as the Deed of A. when C. hath paid a sum of Money: Now when the Money is paid, and the writing delivered, this shall be taken as the Deed of A. at the time when it was first delivered. So Bills of Parliament, to which the King Assents on the last day of Parliament, shall relate, and be of force, from the first day of the beginning of the Parliament. Coke (lib. 3. Butlers Case) says it is *Extra iuris*.

Release (*Relaxatio*) Is an Instrument, whereby Estates, Rights, Titles, Entries, Actions, and other things, are sometimes extinguished, sometimes transferred, sometimes abridged, and sometimes enlarged. *West, par. 1. Symb. lib. 2. sect. 509.* And there is a *Release in fact*, and a *Release in Law*. In fact, is that which the very words expressly declare; in Law, is that which acquires by way of consequent, or intentment of Law; an example whereof, you have in *Perkins, Grants*, 71. How these are available, and how not, see *Littleton at large*, Lib. 3, cap. 8. And of divers sorts of Releases, see *New Book of Entries, verbo, Release*.

Releif (*Relevamen, Relevium*) Signifies a certain sum of Money, which the Tenant, holding by Knight-service, Grand Sergeantcy, or other Tenure, for which Homage or Regal-service was due, and after the death of his Ancestor, paid to his Lord at his entrance. *Mag. Charta, cap. 2.* and *28 Edw. 1. stat. 1. Bratton, lib. 2. cap. 36.* says it is called a *Releif, Quis hereditas, qua jacens fuit per Antecessorum decessum, relevatur in manus heredum, & propter factam revelationem, facienda erit ab herede quadam præstatio, qua dicitur Relevium* See the *Stat. 12 Car. 2. cap. 24.* A *Releife* is likewise paid in *Socage, Tenure, or Petit Sergeantcy*, where a Rent, or any thing is paid, by rendering as much as the Rent, or payment reserved.

Rellegation (*Relegatio*) A banishing, or sending away. As *Abjuration* is a forswearing the Realm for ever; *Rellegation* is taken for a banishment for a time only. *Coke on Little, fol.*

Religiosi, Religious men, such as enter'd into some Monastery, or Convent. In ancient Deeds of sale of Land we often find the Vendee restrain'd from giving or alienating it *Vix Religiosis vel Judais*; to the end the Land might not fall into Mortmain. See *Judaism*. — *Rex Vicecom.* — *Principimus tibi quod clavis facias sine dilatone per comitatum tuum, quod nulli, sicut diligent corpora & cataula sua, malum faciant vel dicant viris Religiosis vel Clericis, contra pacem nostram;* *Et si quem inde attingere possimus, ad proximum querum cum suspensi faciemus.* T. meipso apud Marlebergh, xx Apr. Clau. 9 Joh. m. 3.

Remainder, (*Remantia*) Signifies an Estate limited in Lands, Tenements, or Rents to be enjoyed after the Estate of another expired. For example, a man may grant Land to one for term of his life, the remainder to another for term of his life. *Litt. ca. Atturment*, fo. 113. And this Remainder may be either for a certain term, or in Fee-simple, or Fee-tail, as appears by *Brock*, tit. *Done & Remainder*, fo. 245. — *Glanvile*, lib. 7. ca. 1. in fine, has these words; *Notandum, quod nec Episcopus, nec Abbas, quia eorum Baronia sunt de Eleemosina Dom. Regis, & antecefforum ejus, non possunt de Dominio suis aliquam partem dare ad remanentiam, sine assensu & confirmatione Domini Regis.* In like sort *Braeton* uses it, lib. 2. ca. 23. & lib. 4. Tratt. 2. ca. 4. m. 4. See *New Book of Entries*, verbo *Remainder*. In eo igitur differunt *Remenantia & Reversio*: *hac post statutum terminum ad donatorem vel heredes suos (uti in fontem) remeat: illa vero ad tertium quemquam (seu extraneum) progreditur. Spelm.*

Remembrancers of the Exchequer, (*Rememoratores Scaccarii*) are three Officers; one called the Kings Remembrancer, (Anno 35 Eliz. ca. 5.) The second the Lord Treasurers Remembrancer, upon whose charge it lies, to put the Lord Treasurer, and the rest of the Justices of that Court in remembrance of such things as are to be called on, and dealt in for the Kings behoof. The third is called the Remembrancer of the first-fruits, Anno 5 Rich. 2. Stat. 1. ca. 14 & 15. These (Anno 37 Edw. 3. ca. 4.) are called Clerks of the Remembrance.

The Kings Remembrancer enters in his Office all Recognizances taken before the Barons for any the Kings Debts, for appearances, or observing of Orders; he takes all Bonds for the Kings Debts, for appearance or observing Orders, and makes Proces upon them, for the breach of them. He Writes Proces against the Collectors of *Customs*, *Subsidies*, and *Fifteenths*, for their accounts. All Informations upon Penal Statutes are entred in his Office; and all matters upon English Bills in the Exchequer Chamber remain in his Office. He makes the Bills of Compositions upon penal Laws, and takes the stament of Debts; He has deliver'd into his Office all manner of Indentures, Fines, and other Evidence, that concern the assuring or passing any Lands to or from the Crown. He yearly in *Craftino animarum* reads in open

Court the Statute for election of Sheriffs, and gives them their Oath; he reads in open Court the Oath of all the Officers of the Court, when they are admitted.

The Treasurers Remembrancer makes Proces against all Sheriffs, Escheators, Receivers, and Bailiffs for their accounts: He makes Proces of *Fieri Facias* and *Extent*, for any Debts due to the King, either in the Pipe, or with the *Auditors*; makes Proces for all such Revenue, as is due to the King by reason of his Tenures. He makes Record, whereby it appears whether Sheriffs and other Accountants pay their Profers due at *Easter* and *Michaelmas*. He makes another Record, whether Sheriffs and other Accountants keep their dayes of *Prefixion*. All *Estreates* of *Fines*, *Issues*, and *Amerciaments*, set in any Courts of *Westminster*, or at the Assizes or Sessions, are certify'd into his Office, and are by him deliver'd to the Clerk of the *Estreates* to make out Proces upon them. There are also brought into his Office all the Accompts of *Customers*, *Controllers*, and other Accountants, to make entry thereof on Record. See *Repertory of Records*, fo. 121.

The Remembrancer of the First-fruits takes all Compositions, and Bonds for First-fruits and Tents, and makes Proces against all such as pay not the same.

Remitter, (from the Lat. *Remittere*, to restore, or send back,) Where a man has two titles to Land; and is seised of the later, and, that proving defective, he is restored to the former more ancient title; This is a Remitter, *Fitz. Nat. Br.* fo. 149. *F. Dyer*, fo. 68. num. 22. and see *Brook*, tit. *Remitter*. If Land descend to him that has right to it before, he shall be remitted to his better Title, if he will. *Doctor and Student*, ca. 9. fo. 19. b. See *Terms of the Law*, on this word, &c. *Coke on Litt.* li. 3. c. 12.

Rendre, (from the Fr. *Rendre*. i. *Reddere*, *Retribuere*) and so it signifies with us. A Fine with render, is, where Lands are render'd back by the Cognizee to the Cognitor. Also there are certain things in a Mannor that lie in Prender, that is, which may be taken by the Lord or his Officers when they chance, without the Tenants leave, as *Escheats*, &c. and certain that lie in Render, that is, must be rendred or answer'd by the Tenant, as *Rents*, *Reliefs*, *Heriots*, and other Services. *West. Par. 2. Symb. Sect. 126. C.* Also some Service consists in seiseance, some in Render. *Perkins. Reservations*, 696.

Renegeld. Per Renegeld *Johannes Stanley Ar. clamat habere de qualibet bovata terra infra feodum de Aldford 1 d, exceptis Dominicis terris & terris in feodo prædicto infra Hundred. de Macolefeld. Rot. Plac. in Itin. apud Gestriam, 14 Hen. 7.*

Renobant, (from *renovo*, to renew, or make again) — *The Parson sued one for Tithes to be paid of things renovant, but this Horse, being only for labor and travel, would not renew, &c.* *Croke 2 Part. fo. 430.*

Rent, (*Reditus*) Is a summ of Money, or other consideration, issuing yearly out of Lands

or Tenements. *Plowden, Casu, Browning*, fo. 132. b. 138. a. & 141. b. Of which there are three sorts; Rent-service, Rent-charge, and Rent-seck. Rent-service is, where a man holds his land by fealty, and certain rent, or by Fealty, Service and Rent. *Litt. lib. 2. ca. 12. fo. 44.* or that which a man, making a Lease to another for years, reserves yearly to be paid him for the same. Rent-charge is, where a man chargeth his Land or Tenements, by Deed indented, either in Fee, Fee-tail, or for term of life, with a sum of Money to be paid to the Grantee yearly, with clause of distress for not payment thereof. *Litt. ubi supra.* Rent-seck, otherwise Dry-rent, is that, which a man, making over an Estate of Lands or Tenements by Deed indented, reserves yearly to be paid him, without Clause of Distress, mentioned in the Indenture. See more on this subject in the *Terms of the Law*; and the difference between a Rent and an Annuity in *Doctor and Student*, ca. 30. *Di-*
al. 1.

Kents resolute, (*Redditus resoluti*) Are reckon'd among the Fee-farm Rents, to be sold by the Stat. 22 Car. 2. ca. 6. and are such Rents or Tenthys, as were anciently payable to the Crown from the Lands of Abbeys and Religious-Houses, and, after the dissolution, these Abby-lands being demised to others, the said Rents were still reserved, and made payable again to the Crown.

Renufatoꝝ, — *Et sunt communes latrones* & *Renufatoꝝ hominum*, &c. *Trin. 28 Ed. 3. Ebor. 37. q.*

Reparatione facienda, Is a Writ that lies in divers cases, whereof one is, where there are three Tenants in Common, Join-tenants, or *pro indiviso*, of a Mill or House, which is fallen into decay, and the one is willing to repair it, the other two not. In this case the party willing shall have this Writ against the other two, *Fitz-Nat. Br. fo. 127.* where you may see the form and many uses of it, as also in *Reg. of Writs*, fo. 153. b.

Repeal, (From the Fr. *rappel*, i. *revocatio*) Signifies the same with us, as the *Repeal of a Statute*, is the revoking or disannulling it. *Brook* uses *Repellance* in the same sense.

Re-pleader, (*Replacitare*) Is to plead again, that which was once pleaded before. See *Brook* and *New Book of Entries*, verbo, *Repleader*.

Replegiari de aberius, Is a Writ brought by one, whose Cattel are distrained, or put in pound upon any cause by another, upon surety given to the Sheriff to pursue, or answer the Action at Law. *Anno 7 Hen. 8. ca. 4. Fitz-Nat. Br. fo. 68.* See *Reg. of Writs* for divers sorts of this Writ; *New Book of Entries*, verbo, *Replevin*, and *Dyer*, fo. 173. num. 14.

Replebie, (*Plevina*) Is derived of *replegiare*, to re-deliver to the owner upon pledges or surety; and signifies the bringing the Writ called *Replegiari facias*, by him that has his Cattel or other goods distrained by another for any cause, and putting in Surety to the Sheriff, that upon delivery of the thing distrained, he will pursue the Action against him that distrained,

Coke on Litt. lib. 2. ca. 12. Sect. 219. Goods may be replevied two manner of wayes, viz. by Writ, and that is by the Common-Law, or by Plaintiff, and that is by Statute-Law, for the more speedy having again of their Cattel and Goods. *Replevie* is used also for the bailing a man, *Pl. Cor. fo. 72, 74.* and *Westm. 1. ca. 11. and 15.*

Replebush, (*Replegiare*) Is to let one to Main-prise upon surety. *Anno 3 Ed. 1. ca. 11.*

Replication, (*Replicatio*) Is an exception of the second degree made by the Plaintiff upon the first Answer of the Defendant, *West. par. 2. Symb. tit. Chancery, Sect. 55.* and *Westm. 2. ca. 36.* It is that which the Plaintiff replies to the Defendants Answer in Chancery; and, this is either *General* or *Special*. *Special* is grounded upon matter arising out of the Defendants answer, &c. *General*, so called, from the general words therein used.

Report, (From the Lat. *Reportare*) Is a publick relation, or a bringing again to memory Cases judicially argued, debated, resolved, or adjudged in any of the Kings Courts of Justice, with such causes and reasons as were delivered by the Judges of the same. *Coke on Litt. fo. 293.* Also when the *Chancery*, or other Court refers the stating some case, or computing an account, &c. to a Master of Chancery, or other Referee, his Certificate therein, is called a Report.

Reposition of the Forest, (i. A re-putting to) Was an Act whereby certain Forest-grounds, being made *Purlieu* upon view, were by a second view laid or put to the Forest again. *Manwood, Par. I. Pa. 178.*

Reprisels, (*Reprisalia*) From the Fr. *Repris*, i. *Recapto, vel captio rei unius in alterius satisfactionem* Is all one in the Common and Civil Law. *Reprisalia est potestas pignorandi contra quemlibet de terra debitoris data Creditori pro injuriis & damnis acceptis.* Vocab. utriusque Juris. This among the Ancient Romans was called *Clarigatio*. In the Statute 27 Edw. 3. Stat. 2. ca. 17. it is called *Law of Marque*; because one destitute of Justice in another Territory, redresseth himself by the goods belonging to Men of that Territory.

Reprizes, (Fr. *Resumptions*, or takings back.) We use it for deductions and duties, which are yearly paid out of a Mannor or lands, as Rent-charges, Pensions, Fees of Stewards, or Bailiffs, &c. Therefore we say the Mannor of Dale yields 40 l. per annum *ultra Reprizas*, besides all Reprises.

Requests, (*Curia Requisitionum*) See in Court. The place where this Court was held, was anciently called *Camera alba*. *Rot. Parl. Anno 17 Edw. 3.*

Rescicit, (*Receptio*) Is an admission, or receiving a third person to plead his right, in a cause formerly commenced between other two, *New Book of Entries*, verbo *Rescicit*. As if Tenant for life or years brings an Action, he in the Reversion comes in, and prays to be received, to defend the Land, and to plead with the Defendant.

mandant. See *Brook Tit.* *Resceit*, fo. 205. and *Perkins, Dower*, 448. *Resceit* is also apply'd to an admittance of Plea, though the controversie be onely between two. *Brook tit. Estoppel. Coke on Litt.* fo. 192. b.

Resceit of homage, (*Receptio Homagii*) Is the Lords receiving Homage of his Tenant at his admission to the Land. *Kitchin*, fo. 148. See *Homage*.

Rescous, (*Rescussus*) From the Fr. *Rescouſe*, i. *Liberatio, redemptio* Is an illegal taking away, and setting at liberty, a Distress taken, or a person arrested by Process, or course of Law; which is a *Rescouse in Deed*: And, where a man has taken a Distress, and the Cattel distreined, as he is driving them to the Pound, happen to go into the House of the owner, if he that took the distress demand them of the owner, and he deliver them not, this is a *Rescous in Law*. *Coke on Litt.* lib. 2. ca. 12. *Seſt.* 237. It is also used for a Writ which lies for this fact, called *Breve de rescusſu*, whereof you may see both the form and use in *Fitz. Nat. Br.* fo. 101. *Reg. of Writs*, fo. 125. and *New Book of Entries*, verbo *Rescous*: This, in some cases, is Treason, upon matters of Treason, and in some Felony, in cases of Felony. *Gromp. Justice*, fo. 54. b.

Rescussor, Is he that commits such a Rescous. *Crokes Rep. 2 Part*, fo. 419.

Reseifer, (*Rescifire*) Is a taking again of Lands into the Kings hands, whereof a general Livery or *Ouſter le main* was formerly misused, contrary to order of Law. *Stamf. Praerog.* 26. See *Resumption*.

Reservation, (*Reservatio*) A providing for store; as when a man departs with his Land, but reserves or provides for himself a rent out of it for his own livelihood. Sometimes it serves to reserve a new thing, and sometimes to except part of the thing in esse that is granted. See *Perkins Reservations*, *per totum*.

Resiance, (*Resiantia*) From the Fr. *Reseant* vel *resſeant*, i. *Resident*) Signifies a Mans aboad or continuance in a place, *Old Nat. Br.* fo. 85. Whence also comes the participle *resiant*, that is, continually dwelling or abiding in a place, *Kitchin*, fo. 33. It is all one in truth with *residence*, but that custom ties this onely to persons Ecclesiastical. *Veteri autem jure nostro etiam & Scotoſi aliud significat, utpote morbum validum seu veteranum, quo quis exire de suis eadibus prohibetur*. *Eſſonium igitur quod de malo leti nuncupatur*; hoc est excusatio, quod ratione infirmitatis fuisse in foro non valeat, *eſſonium nuncupant de reſeantia*. *Glanvile*, lib. 1. ca. 11. — *Quandoque interuenit (Eſſonium) ex infirmitate de reſeantia*. Ubi in margine notatur, *Eſſonium de reſeantia idem valet quod eſſonium de malo leti*. — *Et Galli apertius dixerunt Exoin de mal resſeant*. *Spelm.*

Residence, (*Residentia*) Is peculiarly used both in the Canon and Common-Law, for the continuance or aboad of a Parson or Vicar upon his Benefice: The defalt whereof (except

the party be qualify'd and dispensed with) is the los of ten pounds for every moneth. *Anno 28 Hen. 8. ca. 13.*

Resignation, (*Resignatio*) Is used particularly for the yielding up a Benefice into the hands of the Ordinary, otherwise called *renunciatio* by the Canonists. And, though it signifie all one in nature with the word *Surrender*, yet it is by use restrained to the yielding up a Spiritual Living as aforesaid, and *Surrender* to the giving up Temporal Lands into the hands of the Lord. And, a *Resignation* may now be made into the hands of the King, as well as of the Diocesan, because he has *Supremam Authoritatem Ecclesiasticam*, as the Pope had here in times past. *Plowden, Casu Grendon*, fo. 498.

Resort, or **Resortz**, (Fr.) Is a word used properly in a *Writ of Layle or Couſenage*, as *Descent* is in a *Writ of right*: In French it signifies the Authority or Jurisdiction of a Court. — *Salvo tamen tam ressorto quam alius jure nostro, & jure etiam alieno*: Lit. Pat. Philip le Hardy R. Franc.

Respite computi bicecomitis habendo, Is a Writ for the respiting a Sheriff's account, upon just occasion, directed to the Treasurer and Barons of the Exchequer, *Reg. fo. 139*, and 179.

Respite, (*Respetus*) Is used for a delay, forbearance, or continuation of time. *Principio tibi, quod ponis facias in respectum usque ad aliquem terminum competentem*. *Glanvile*, lib. 12. ca. 9. in *Brevi Regis*.

Respite of Homage, (*Respetus Homagii*) Is the forbearance of *Homage*, which ought first of all to be performed by the Tenant, holding by *Homage*; but, it had the most frequent use in such as held by Knight-service in *Capite*; who, did pay into the Exchequer every fifth Term, some small Summ of Money to be respited, the doing their Homage, see the Stat. 12 Car. 2. ca. 24. whereby this *Respite of Homage* is taken away, as a charge incident, or arising from *Knight-service*, &c.

Respondeat superior, Where the Sheriffs are removable, as in London, for insufficiency, *respondeat superior*, that is, the Mayor and Commonalty of London. *Pur insufficiency del Baſilif d'un Liberte, respondeat Dominus libertatis*, 44 Ed. 3. 13. See 4 Inst. fo. 114.

Responsalis, (*qui Responsum deserit*) Is he that appears for another in Court at a day affigned, *Glanvile*, lib. 12. ca. 1. But *Fleta*, (lib. 6. ca. 11.) makes a difference between *Attornatum*, *Eſſoniatorē & Responsalem*; as if *Eſſoniator* came onely to alledge the cause of the parties absence, be he the demandant or tenant; and *Responsalis* came for the Tenant, not onely to excuse his absence, but to signifie what trial he meant to undergo, viz. the Combat or the Country. See *Attorney*.

Responsions, (*Responsiones*) Seems to be a word used particularly by the Knights of St. John of Hierusalem, for certain accounts made to them by such as held their Lands or Stocks, *Anno 32 Hen. 8. ca. 24.*

Restitution, (*Restitutio*) Is a yielding up, or Restoring any thing unlawfully taken from another. It is also used for the setting him in possession of Lands or Tenements, who had been unlawfully dispossessed of them; which, when to be done, and when not, see *Cromp. Just. of P.* fo. 144. usque 149.

Restitutione extracti ab Ecclesia, Is a writ to restore a Man to the Church, which he had recover'd for his Sanctuary, being suspected of Felony. *Reg. of Writs*, fo. 69. a.

Restitutione tempozalium, Is a Writ that lies where a man, being elected and confirmed Bishop of any Diocese, and has the Kings Royal assent thereto, for the recovery of the Temporalities or Barony of the said Bishopric. Which is directed from the King to the Escheator of the County, the form whereof you have in *Reg. of Writs*, fo. 294. and in *Fitz. Nat. Br.* fo. 263.

Resummons, (*Resummonitio*) Signifies a second Summons, or calling a man to answer an Action, where the first Summons is defeated, or suspended by any occasion, as the death of the party, or such like. See *Brook tit. Resummons*, fo. 214. See of these four sorts, according to four divers cases in the Table of *Reg. of Writs judicial*, fo. 1. and *New Book of Entries*, verb. Reattachment & Resummons.

Resumption, (*Resumptio*) Is particularly used for the taking again into the Kings hands such Lands or Tenements, as before, upon false suggestion or other Error, he had granted by Letters-Patent to any Man. *Brook tit. Repellance & Resumption*, fo. 298. And so it is used *Anno 31 Hen. 6. ca. 7. & 19 Hen. 7. ca. 10*. See *Reseiher*.

Retail, (*Anno 3 & 4 Ed. 6. ca. 21.*) *Qui rem integrum ementes, per minutiore cam partes distrahebant. Anglice, to buy by great, and sell by Retail, i. by parcels.*

Reteiner, (*from Retineo*) Signifies a Servant, not menial nor familiar, that is, not continually dwelling in the house of his Lord or Master, but only wearing his Livery, and attending sometimes upon special occasions. This Livery was wont to consist of Hats (or Hoods) Badges, and other suites of one Garment by the year, and were given by Lords and great Men many times on purpose for maintenance and quarrels, and therefore have been justly prohibited by many Statutes, as by 1 R. 2. ca. 7. upon pain of Imprisonment and grievous forfeiture to the King. And again, *Anno 16 ejusdem, ca. 4. & 20 ejusdem, ca. 1 & 2.* and *1 Hen. 4. ca. 7.* By which the Offenders herein should make Ransom at the Kings will; and any Knight or Esquire hereby duly attainted, should lose his said Livery, and forfeit his Fee for ever, &c. which Statute is further confirmed and explained *Anno 2 Hen. 4. ca. 21.* and *Anno 7 ejusdem, ca. 3. & Anno 8 Hen. 6. ca. 4.* And yet this offence was so deeply rooted, that *Edward the Fourth* was forc'd to confirm the former Statutes, and further to extend the meaning of them, as appears by *3 Edw. 4. ca. 2.* adding a

special pain of five pounds on every man that gives such Livery, and as much on every one so retaineid, either by Writing, Oath, or Promise for every Moneth. These by the Feudists are called *Affidati*: And, as our Reteiners are here forbidden, so are those *Affidati* in other Countries. But, most of the above mentioned Statutes are repealed by *3 Car. 1. ca. 4.*

Retenementum, (*from Retineo*) A withholding, retaineing, or keeping back — *Sine ullo retenemento* was a frequent expression in old Deeds.

Retraxit, Is so called, because it is the emphatical word in the Entry; and is, where the Plaintiff or Demandant comes in person alone, of with the Defendant into Court, and says, *He will proceed no further*; which is peremptory, and a perpetual Barr, and may be pleaded as such to the Plaintiff in the same Action for ever. *Qui semel Actionem renunciavit, amplius repetere non potest.* *Coke on Litt. lib. 2. ca. 11. S. 208.* where you shall find the difference betwixt *Nonsuit* and *Retraxit*.

Return, (*Returna vel retorna*) From the Fr. *retour*, i. *reditio, reversio*) has two particular applications, namely, the return of Writs by Sheriffs and other Officers, which is a Certificate made to the Court from whence the Writ issued, of that which they have done, touching the execution of the same Writs. Of returns in this signification, speaks the Statute of *Westm. 2. ca. 39.* So is the Return of a Commission, a Certificate, or answer to the Court of that which is done by the Commissioners, Sheriff, Bailiff, or others, unto whom such Writs, Commissions, Precepts, or Mandats, are directed.

Also certain days in every Term are called Returns, or Dayes in Bank: As *Hillary Term* has four Returns, viz. *Ostabis Hilarii, Quindena Hilarii, Crastino Purificationis, Ostabis Purificationis*: *Easter Term* five, viz. *Quindena Pasche, Tres Pasche, Mensa Pasche, Quinque Pasche* and *Crastino Ascensionis Domini*. *Trinity Term* four, viz. *Crastino Trinitatis, Ostabis Trinitatis, Quindena Trinitatis, Tres Trinitatis*: And *Michaelmas Term* six Returns, viz. *Tres Michaelis, Mensa Michaelis, Crastino animarum, Crastino Martini, Ostabis Martini, Quindena Martini*. See the Statutes of *Dayes in Bank*, *Anno 51 Hen. 3. 32 Hen. 8. ca. 21.* and *17 Car. 1. ca. 6.*

The other Application of this word is in case of *Replevin*; for, if a man distrain Cattel for Rent, &c. and afterwards so justify or avow his act, that it is found lawful, the Cattel, before deliver'd to him that was distrained, upon security given to follow the Action, shall now be returned to him that distrained them, *Brook tit. Return d'avers & homines*, fo. 218.

Returno habendo, Is a Writ that lies for him, who has avow'd a Distress made of Cattel, and proved his Distress to be lawfully taken, for the return of the Cattel distrained, unto him, which before were replevied by the party distrained, upon surety given to pursue the Action, or when the Plaintiff or Action is removed by *Recordari*; or *Accedas ad Curiam*, into the Court

Court of Common Pleas, and he, whose Cattel were distrained, makes default, and doth not declare or prosecute his Action.

Returnum Averiorum, Is a Writ Judicial, and the same with *Retorno Habendo*, granted to one impleaded for taking the Cattel of another, and unjustly detaining them *Contra vadum & Plegios*; and appearing upon Summons, is dismited without day, by reason the Plaintiff makes default, and doth not declare *ut supra*, and it lies for the return of the Cattle to the Defendant, whereby he was summoned; or which were taken for security of his appearance upon the Summons. *Regist. of Writs Judic.* fol. 4. a.

Returnum Irreplegiable, Is a Writ Judicial, sent out of the Common Pleas to the Sheriff, for the final restitution or return of Cattle to the owner, unjustly taken by another, as Damage-Feasant, and so found by the Jury before Justices of Assize in the County; or otherwise, by default of Prosecution. For which, see *Reg. of Writs Judic.* fol. 27.

Rebe alias Grebe (*Germanice Grabe*, *Sax. Gepefa. Praefectus, Praepositus*) Signifies the Bailiff of a Franchise or Mannor, especially in the West parts. Hence *Shire-reve*, a Shiref. See *Kyngin*, fol. 32. See *Greve*, and *Shiref*, and *Tun-greve*. See *Verstegan*, cap. 10. and *Church-reve*.

Rebeland. See *Teinland*.

Revenue (Fr. *Revenu*) Signifies properly the Yearly Rent and Profits that accrues to every Man from his Lands and Possession.

Reversion (*Reversio*) Signifies a returning again: Therefore *Reversio terra est tanguam terra revertens in possessione Donatori sive hereditibus suis post donum finitum*. *Coke on Littl.* fol. 142. b. It hath a double acceptation; the one is, *Ius revertendi cum status possessionis defecerit*; and this is but an interest in the Land, when the Occupation and Possession of it shall fall, and so it is commonly taken. 2. When the Possession and Estate, which was parted with for a time ceaseth, and is determined in the persons of the Alienees, Assignees, Grantees, or their Heirs, or effectually returns to the Donor, his Heirs, or Assigns; whence it was derived. This is the most proper signification of the word, which is derived from *Revertor*, *& apte dici non potest Reversio, antequam revertatur in facto*. See *Littl. lib. 2. cap. 12.* And see *Remainder*.

Revivitw (Fr. *Revenu*) A Bill of Review in Chancery, is, where the Cause hath been heard, and the Decree signed and enrolled; and some Error in Law, appears in the Body of the Decree, or new matter discovered in time after the Decree made: Which Bill must be exhibited by leave of the Court, and not otherwise. *Coll. of Orders in Chanc.* pag. 69.

Rebiving, Is a word metaphorically applied to Rents and Actions, and signifies a renewing them, after they were extinguished. Whereof see divers examples in *Brook, tit. Revivings of Rents, Action, &c.* fol. 223.

Bill of Rebiboz, Is where a Bill hath been exhibited in Chancery against one, who answers, and before the Cause is heard, or if heard, the Decree be not enrolled, and either party dies: In this Case a Bill of Review must be brought to the end, the former proceedings may stand Revived, and the Cause be finally determined.

Revocation (*Revocatio*) Is the recalling a thing granted: Of which, you have divers in the Register of Writs. As, *Revocationem brevis de audiendo & terminando*, fol. 124. *Revocationem Præsentiationis*, fol. 204, 303, &c.

Revey (*Anno 43 Eliz. cap. 10.*) — So as the same Cloaths, being put in water are found to shrink, Rewry, Squally, Cockling, Light, and notable faultie, &c. i. unevenly wrought, or full of Rows.

Ribaud (Fr. *Ribaud*) A Rogue, Rascal; Fornicator, Whoremonger. *Rot. Park* 50 *Edw. 3. num. 61.* Petition against Ribauds and sturdy Beggars.

Rider-Holl. See in *Roll*.

Ridge or Rig of Land (*Riga*) *Terram quam e pluribus fulci in aggrem effervent arantes, ita ut sicca sedes frumentis habetur, Romani strigam (atque inde agros strigatos) nos, a Ridge of Land. Spel.* Yet I have seen in the Exemplification of a Writ of Partition, *Anno 20 Eliz. Tercie Jacobo Dyer Mil. unam acram terræ arabil. consinen. quinque porcas terra, Anglice Ridges.*

Ridings, Are the names of the Parts or Divisions of Yorkshire, being three, viz. *East-Riding, West-riding, and North-Riding*, and mentioned in the Statute of 22 Hen. 8. cap. 5. and 23 *Eiusdem*, cap. 18. In Indictments in that County, it is requisite, that the Town and the Riding be expressed. *West, par. 2. Symb. iii. Indictments, scil. 70.* *R.*

Riens passe per le fait, Is the form of an Exception taken in some Cases to an Action. See *Brook, tit. Extranger si fait ou Recurd*.

Riens arrear, Is a kinde of Plea used to an Action of Debt upon Arrearages of Account, whereby the Defendant does allege that there is nothing arrear. *Book of Entries*.

Riens per descent (i. Nothing by descent) Is the Plea of an Heir, where he is sued for his Ancestors Debt, and hath no Land from him by descent. See 3 *Part Cokes Rep.* fol. 152.

Riens deins le gard, Was a challenge to a Jury or Enquest within London, &c. But it is abrogated by the Statute 7 Hen. 7. cap. 9.

Rier County (*Retro comitatus*) From the Fr. *Arriere, i. Posterior* in the Stat. 2 *Edw. 3. cap. 5.* is opposite to *open County*; And by comparing that Statute with *Westm. 2. cap. 28.* it appears to be some publick place, which the Sheriff appoints for Receipt of the Kings Money, after the end of his County. *Fletus says it is, Dies crastinus post comitatum. Lib. 2. cap. 67.*

Right (*Ius*) In general signification, includes not only a right, for which a Writ of Right lies, but also any Title or Claim, either by force of a condition, Mortgage, or the like, *LII* *for*

for which no Action is given by Law, but onely an Entry. *Coke on Littl. lib. 3. cap. 8. scđ. 445.* & 447. There is *Jus Proprietatis*, A Right of Ownership. *Jus Possessionis*, A Right of Seisin or Possession. And *Jus Proprietatis & Possessionis*, A Right both of Property and Possession; which was anciently called *Jus Duplicatum*. See *Recto & Droit*.

Right in the Court. See *Rectus in Curia*.

Rime (*Rima*) Is taken for a mean kinde of Verse, commonly made by some unskilful Poetaster. Of a Libellous and Rebellious Rime, I have thought fit to insert this Abstract of an ancient and memorabile Record.

Placita coram Domino Rege apud Ebor. de Termine Pasche Anno Regni Regis Ricardi Secundi, 16.

Quamplurimi de Cotingham & Villis circumiacentibus indictantur, quod ipsi alligati fuerint quilibet ad alterum sustinendum & manutendendum omnes querelas suas versus quoscunque: Et quod modo guerrino obfiderunt villam de Kingston super Hull, & pontes circumiacentes diripuerunt, ita quod nullus ire vel redire posset ad dictam villam, ac insuper fecerunt Rimam in Anglicis verbis, & dictam Rimam publice apud Beverley proclamari fecerunt die, &c. que Rima sequitur in hec verba.

In the Countrey hard was we,
That in our hoken shrews should be,
With all for to bake.
Among you Friars it is soe,
And other Orders many moe,
Whether they sleep or wake.
And yet will ilke an help up other,
And maintain him als his hother,
Both in wrong and right.
And also will in strand and stoure
Maintain our Neighbour
With all our might.
Ilke Man may come and goe
Among us, both to and fro,
Say you sickerly.
But herhning wil we suffer none,
Neither of Hob, nor of John,
With what may be merry be.
For unkinde we ware,
If we suffered less or mare
Any illan herhning.
But it were quite double again,
And accord, and be ful faine
To byde dressing.

And on that purpose, yet we stand,
Who so doth us any wrang,
In what place it fall,
Yet he must als wéle,
Als habe I hap and héle,
Doe againe us all.

*Sed perdonantur 28 ex eis.
Record. continet quatuor Rotulos.*

Kinghead (*Anno 43 Eliz. cap. 10.*) An Engin used in stretching Woollen Cloth.

Riot (*Fr. Riotte, quod non solum rixam & iugium significat, sed vinculum etiam, quo plura in unum, fasciculorum instar, colligantur*) Signifies the forcible doing an unlawful act, by three or more persons assembled together for that purpose. *West. par. 2. Symb. tit. Indictments. scđ. 65.* The differences and agreements between a Riot, Rout, and *Unlawful Assembly*, See in Lamb. *Eiren. lib. 2. cap. 5. Stat. 1 Mar. cap. 12.* and *Kitchin*, fol. 19. who gives these Examples of Riots: The breach of Enclosures, Banks, Conduits, Parks, Pounds, Houses, Barns, the burning of Stacks of Corn, &c. *Lamb. ubi supra* mentions these: To beat a Man, to enter upon a Possession forcibly. See Rout and *Unlawful Assembly*; see also, in *Cromp. Justice of Peace*, divers Cases of Riots. *Anno 17 Rich. 2. cap. 8. and 13 Hen. 4. cap. 7.* See Rout.

Ripartiz (from *Ripa*, a Bank) in the Statute of *Westm. 2. cap. 47.* Signifies the Water or River running between the Banks, be it Salt or Fresh. *2 Inst. fol. 478.* The word occurs also in *Rot. Cart. 9 Edw. 2. num. 12.*

Ripiers (*Riparii, a Fiscella, qua in devendis piscibus utuntur. Anglice a Kipp*) Are those that use to bring Fish from the Sea Coast to the inner parts of the Land. *Cam. Brit. pag. 234.*

Wother Wealts (*Anno 7 Edw. 6. cap. 11.*) See *Rother-Beasts*.

Hobbery (*Robaria*) from the Fr. *Robbe, i. Vefin*) Is a Felonious taking away another Mans Goods from his Person, Presence, or Estate against his will, putting him in fear, and of purpose to steal the same. *West. par. 2. Symbol. tit. Indictments. scđ. 60.* This is sometimes called *Violent Theft*, which is Felony, of two pence. *Kitchin. fol. 16. & 22.* See *Cromptons Justice of Peace*, fol. 30. b.

Hobbers (*Robatores*) Were so called originally, because they onely took away the Robes or Cloaths from Travellers; *Latrones validi, qui in personas hominum insilientes, bona sua diripiunt.*

Hobersmen or Hoberdsmen (*Anno 5 Edw. 3. cap. 14. and 7 Rich. 2. cap. 5.*) Lambert interprets them to be *Mighty Thieves*. *Eiren. lib. 2. cap. 6.* Sir Edward Coke in his *Third Institut.* fol. 197. says, *Robin-Hood* lived in *Richard* the First's time in the Borders of *England* and *Scotland* by Robbery, burning Houses, Rape, and

and Spoil, &c. And that these Roberds-men took name from him.

Rod (*Roda terra*) Is otherwise called a *Pearch*, and is a measure of sixteen foot, and a half long; and in *Staffordshire* twenty foot, to measure Land with. See *Pearch*.

Rod Knights alias **Rod Knights** (from the Sax. *rod*, angl. *Road*, i. *Equisatus*, & *cnyt*, i. *puer*, *minister*, *famulus*; *quasi pueri vel ministri equitantes*) Were certain Servitors, who held their Land by serving their Lords on Horseback. *Debent equitare cum Domino suo de Manerio in Manerium, vel cum Domini uxore.* Bracton, lib. 2. cap. 35. num. 6. Not much unlike our Retainers.

Rofe-tyle alias **Crest-tyle**, Is that Tyle which is made to lay upon the Ridge of the House. Anno 17 Edw. 4. cap. 4.

Rogue (*Rogus*, from the Fr. *Rouge*, *Arrogans*) Signifies an idle sturdy Beggar, who (wandering from place to place without Passport, after he hath been by Justices, bestowed or offered to be bestowed on some certain place of abode) is worthily so called; who for the first offence, is called *A Rogue of the first degree*, and punished by whipping and boring through the Grissel of the Right Ear, with a hot Iron, an inch in compass; and for the second offence is called *A Rogue in the second degree*, and put to death as a Felon, if he be above eighteen years old. See the Stat. 14 Eliz. cap. 5. and 18 E. I. jussim. cap. 3. and Anno 36 cap. 17. See *Lamb.* Eiven. lib. 4. cap. 4.

Rogus (*Lat.*) A great Fire; also a Pile of Wood. — *Mandatum est constabulario castris de Divis. Et custodi Forestae de Cippeham, quod fieri fac. unum Rogum in Foresta prædicta ad operationes Castrorum prædictarum, prout melius viderit expedire, &c.* T. x Mai. Clauſ. 54 Hen. 3. m. 8. *Rogus cum comburitur, pira est congeries lignorum ad comburendum.* Vocab. utriusque Juris.

Roll (*Rotulus*) Signifies a Schedule of Paper or Parchment, which may be turned or wound up with the hand to the fashion of a Pipe: Of which, there are in the *Exchequer* several kindes, as the *Great Wardrobe Roll*, the *Coffers Roll*, the *Subsidy Roll*, &c. Of which, see the *Practice of the Exchequer Court*, fol. 75.

Rider-Roll (*Noys Reports*, fol. 84.) The Court *Ex officio* may Award a *Certiorari ad informandam conscientiam*; and that which is certified, shall be annexed to the Record, and is called a *Rider Roll*. Or a *Rider Roll* is a Schedule or small piece of Parchment, not seldom sewed or added to some part of a Roll or Record.

Rolls, or Office of the Rolls in Chancery-lane, anciently called *Domes Conversum*, Was an House built or appointed by King Henry the Third, for such Jews as were converted to the Christian Faith: But King Edward the Third, in the One and fiftieth year of His Reign, expulsed them for their wickedness, and deputed the place for the Custody of the

Rolls, and Records of the *Chancery*; the Master whereof, is the second person in *Chancery*, and in the absence of the Lord Chancellor, or Lord Keeper, sits as Judge, being commonly called *The Master of the Rolls*.

Romefeoh, **Romepeng**, (*Sax. pōmfeoh; i. Nummus Roma datus, nam feoh est nummus, pecunia, stipendum; Romepeng, Roma Denarius; Pening enim (bodie A penp) est Denarius. Vide Romefoc.*

Romefoc (*Romefeoh vel Romefee, Rome-peny, alias Denarius Sancti Petri & Hearth-peny*) Is compounded of *Rome* and *Scot*, from the Sax. *jeat*, i. *Census*, *pecunia*, *quasi*, *nummus Roma dicatus*. It was an annual tribute of one penny from every family of household, paid yearly to *Rome* at the Feast of St. Peter ad *Vincula*, 1 Aug. It was given by *Inas*, King of the *West-Saxons*, Anno 725. as an Alms, being in Pilgrimage at *Rome*, and was prohibited in the days of *Edward the Third*. It amounted to Three hundred Marks, and a Noble yearly. *Romefeoh in Festo Sancti Petri ad Vincula debet reddi — Qui supra tenebit, reddat Episcopo Denarium illum, & 30 Denarios addat, & Regi 50 solidos. LL. Hen. 1. cap. 12.* See *Peter-pence*.

Rod of Land (*Rodata Terra*) Is the fourth part of an *Acre*. Anno 5 Eliz. cap. 5.

Rother-Beatis (*Sax. Hnyþep*) Under this Name are comprehended Oxen, Cows, Steers, Heyfers, and such like Horned-Beasts. Anno 21 Jac. cap. 28. And in *Herefordshire*, the Dung of such Beasts is still called *Rother-soyl*.

Rotulus Wintonie, *Domesday Book* so called, because it was of old kept at *Winchester*, among other Records and Monuments of the Kingdom. See *Domesday*. Some say there was a more ancient Record or Book, of like nature with *Domesday*, but made long before by King *Alfred*, called *Rotulus Wintonie*.

Rouge Cross. See *Herald*.

Roundlet. See *Rundlet*.

Rout (*Fr. Route, i. A company or number*) Which signifies an Assembly of three persons, or more, going forcibly to commit an unlawful act, though they do it not; and is the same which the Germans yet call *Rot*, meaning a Band or great company of Men gathered together, and going to execute, or are executing indeed any Riot, or unlawful act. See the Stat. 18 Edw. 3. stat. 1. and 2 Rich. 2. cap. 6. It is a *Rout*, whether they put their purpose in execution, or no, if they go, ride or move forward after their meeting. *Bronk, tit. Riot, 4. 5.* So as a *Rout* seems to be a special kinde of unlawful Assembly, and a *Riot*, the disorderly fact committed generally by any unlawful Assembly. Howbeit, two things are common both to *Rout*, *Riot*, and *Unlawful Assembly*: The one, that three persons at the least be gathered together; the other, that they being together, do disturb the Peace, either by words, shew of arms, turbulent gesture, or actual violence, &c. See *Lamb*.

Lamb. Eiren. lib.2. cap.5. See Riot and Unlawful Assembly.

Royal Assent (Regius Assens) Is that Assent or Approbation, which the King gives to a thing formerly done by others, as to the election of a Bishop by Dean and Chapter; which given, then he sends a Special Writ to some person for the taking of Fealty. The form whereof you may see in *Fitz. Nat. Br. fol. 170. C.* And to a Bill passed in both Houses of Parliament. *Cromp. Jur. fol. 8.* Which Assent in Parliament being once given, the Bill is Endorsed with these words. *Le Roy Veult, i. It pleaseth the King.* If he refuse to agree to it, then thus, *Le Roy Averisa. i. The King will Advise upon it.*

Royalties (Regalia vel Regalitatis) Are the Rights of the King, otherwise called the Kings Prerogative; some of which are such as the King may grant to common persons; some so high, as may not be separated from his Crown Privative, as the Civilians term it; though some may be Cumulative. *Vide Braston, lib.2. cap.5.* And *Masham de Affiliis*, upon the title of the Feuds, *Qua sine Regalia*; where are set down Twenty five particulars, or several sorts of Royalties. See Prerogative and Regalia.

Rudge-washed Bersey, Is that which is made of Fleece-wool, washed onely on the Sheeps back. *Anno 35 Eliz. cap.10.*

Runcinus (from the Ital. *Runzino*) Is used in *Domesday* for a Load-horse, or Sumpter-horse; and sometimes a Cart-horse, which Chaucer calls a *Botney*.

Rune (from the Sax. *Rununge*, i. A Course or Running) A Water-course, so called in the Marshes of *Somersetshire*. *Hist. of Imbanking and Draining, fol. 106. a.*

Rynlet alias Roundlet, Is a certain Measure of Wine, Oyl, &c. containing Eighteen Gallons and a half. *Anno 1 Rich. 3. cap.13.*

Rural Deanes (Decani Rurales) Sunt Decani Temporales ad aliquod ministerium sub Episcopo vel Archiepiscopo exercendum constituti, qui nec habent Institutionem Canonicam secundum Doctores. Hos eisdem esse existimo, qui in LL. Edouardi Confess. cap. 31. Decani Episcoporum appellantur. See Dean. Each Diocese hath in it one or more Arch-Deaconries, for dispatch of Ecclesiastical business, and every Arch-Deaconry subdivided into Rural Deanries, fewer or more, according to the bigness and extent thereof. *Heylins Cosmog. fol. 304.* These were anciently called *Arch-Presbyters*, & *Decani Christianitatis*. See Dean.

Rusca. When the King himself (says *Domesday, iii. Cestre*) came in person to Chester, every Carrucata yielded him two hundred Hesta's, and one Tun of Ale, and one Rusca of Butter. *Quare* What the quantity was? *Rusca apum*, is a Hive of Bees.

Sabbatum, in Domesday; is used for Peace, *Postquam Willielmus Rex advenit, & sedebat in Sabbato, & Willielmus Malle fecit suum Castellum de Eia, &c. Tit. Sudsex.*

Sac (Saca vel Sacha) Is a Royalty or Priviledge, which a Lord of a Manner claims to have in his Court, of holding Plea in Causes of Debate, arising among his Tenants and Vassals; and of imposing and levying Fines and Amerciaments touching the same. But *Rafal*, and some others define *Sac* to be the forfeiture it self. In the Laws of King Edward, set forth by *Lambert*, fol. 144. it is written, (*Sacha.*) *Sacha autem est, si quilibet aliquem nominatim de aliquo calumniatus fuerit, & ille negaverit; & forsfactura probationis vel negationis (si evenerit) sua erit.* Which may be called the Amerciament paid by him, who denies that which is proved against him to be true, or affirms that which is not true. *Fleta* says, *Sake significat acquiescantiam de scelis ad Comitatum & Hundredum, lib.1. cap.47.* *Sac* is a Saxon word, and signifies *Causa, lit., certamen*; as we still say *For Christ's sake, i. Pro causa Christi.* See *Keilwey Rep. fol. 145.* *Principio ut S. Benedictus de Ramfia ita bene & libere habeat Socam & Sacam suam, &c.* *Breve Hen.2. Justiciariis de Norfolk. V. Saka.*

Sacaburth alias Sacabere, Is he that is robbed, or by theft deprived of his Money or Goods. *Braston, cap. 15 & 29.* With whom agrees *Braston*, (lib.3. tratt.2. cap.32. num.2.) *Furtum vero manifestum est, ubi latro deprehensus sit scitus de aliquo latrociniio, sc. Hundhabend & Wackherend, & insecurus fuerit per aliquem eius res illa fuerit, qui dicitur Sacaburth, &c.* It may come from *Sac* or *Jaca*, i. *lis*, capta, prosecutio, and bosph, pignus; *qua res furiva sit quasi causa pigni*, hoc est, furti Symbolum. *Spelman.* But Sir *Edward Coke* says, *Sacabere* or *Sakebere*, is derived of *Sak* and *Bere*, that is, He that did bear the bag. *3 Inst. fol. 69.*

Saccus cum brochia, Was a Service or Tenure of finding a Sack, and a Broach to the King, for the use of his Army. *Braston, lib.2. cap. 16. num. 6. and lib.2. tratt.1. cap.6.* See *Brochia*.

Sacerborgh or rather Sickerborgh, Securus Plegius. A sufficient Pledge, or Cautioner. *Skene.* See *Sacaburth*.

Sack of Wool (Saccus Lanæ) Contains Twenty six Stone, and a Stone Fourteen pounds. *Anno 14 Edw. 3. stat.1. cap.2.* See *Sarplar.* In Scotland it is Twenty four Stone, and the Stone Sixteen Pound.

Sacrafield Rents, Are certain small Rents paid by some Tenants of the Manner of *Chnton in Com. Somerset*, to Sir Charles Waldegrave, Lord thereof; but why so called, *Quare*.

Sacramento Recipiendo, quod vidua Regis se non maritabit sine licentia Regis, Was a Writ or Commission to one for the taking an Oath of the Kings Widow, that she shall not marry without the Kings Licence. Reg. of Writs, fol. 298. a.

Sacrobarra, Lib. MS. de Officio Coronatoris — Inquicendum est per 12 Juratos pro Rege super Sacramentum suum, quod fiduciter presentabunt sine ullo concelamento omnes fortunas (i.e. fortuito occisos) abjuraciones, Appella, Muderia, Sacrobarra, felonias factas per quos & quot, &c. Quare, If Sacrobarra be not the same with Sacriflegaz.

Safe Conduit (*Salvus Conductus*) Is a security given by the Prince, under the Broad Seal, to a stranger, for his quiet coming in and passing out of the Realm: Touching which, you may see the Statutes Anno 15 Hen. 8. cap. 3. & 18 Eiusdem, cap. 8. & 28 Hen. 8. cap. 1. and the Form of it in Reg. of Writs, fol. 25.

Safe-guard. See *Salva-guardia*.

Safe-pledge (*Salvus Plegius*) Is a Surety given for a Mans appearance against a day assigned. *BraTon*, lib. 4. cap. 2. num. 2. Where it is also called *Certus Plegius*.

Sagibaro alias Sachbaro, The same we now call *Justiciarius*: It signifies as much as *Vir causarum vel causis & litibus prepositus*. LL. Ina Regis Anglo-Saxonis, cap. 6. MS.

Sagitta Barbata, A Bearded Arrow. Reddendo inde annuatim pro omni servitio se & Sagittas Barbatas ad Festum Sancti Michaelie, &c. Carta Hugonis de Logiis, sine Dat.

Sailing Ware (Anno 1 Rich. 3. cap. 8.) Seems to be Canvas, or such kind of Cloath as Sails for Ships are made of.

Saka, Hoc est, *Quod Prior habet emendas & americiamenta de transgressionibus hominum suorum in Curia sua litigantium, tam liberorum, quam Villanorum*. Reg. Priorat. de Cokesford. See *Sax*.

Salary (*Salarium*) Is a recompence or consideration made to a Man for his pains or industry, bestowed on another Mans business. The word is used Anno 23 Edw. 3. cap. 1.

Salter, Is a Head-pecece (Anno 4 & 5 Phil. & Mar.) From the Fr. *Salut*, i. *Salus*. Mentioned also 20 Rich. 2. cap. 1. viz. *Sallet* or *Scul* of Iron, &c. Otherwise called a *Moriam* or *Pot*.

Salarium (Lat.) Custom paid for Salt. *Camden*.

Salina, A Salt-pit or Vate, a House or place where Salt is made. — In *Herbagis & Piscariis*, in *Salinis & Fabricis*, in *minariis ferrariis*, &c. Carta 17 Edw. 2. num. 28.

Salique Law (*Lex Salica*) De terra Salica nuba portio hereditatis mulieris veniat, sed ad virilem sexum tota terra hereditas perveniat, &c. Was an ancient Law made by Pharamund, King of the Franks. Part of which, appears to have been borrowed by our Henry the First, in compiling his Laws, as Cap. 89. — *Qui hoc feceris, secundum Legem Salicam moriatur*, &c.

Salmon Pipe (Anno 25 Hen. 8. cap. 7.) Is an Engin to catch *Salmons*, or such like Fish.

Salmon Setse, Seems to be the young Fry of *Salmon*, *Quasi Salmon iſſue*. Anno 13 Rich. 3. stat. 1. cap. 19.

Saltatozium, A Deer-leap. *Clamat babere liberum Parcum suum apud Halton cum duobus Saltatoriis in eodem*. Pl. apud Cestriam 31 Edw. 3.

Saltus, Highwood. See *Boscus*.

Salba Guardia, Is a Protection given by the King to a stranger, fearing the violence of some of His Subjects, for seeking His Right by course of Law; the form whereof see in Reg. of Writs, fol. 26.

Salbage Money, Is a recompence allowed by the Civil Law, in lieu of all damages sustained by that Ship that rescues or saves another, which was set upon by Pyrates or Enemies.

Salute (*Salus*) Was a Coin made by our King Henry the Fifth in France, after his Couquels there, whereon the Arms of France and England were quarterly stamped. *Bakers Chron.* fol. 187.

Sanctuary (*Sanctuarium*) Is a place privileged by the Prince for the Safe-guard of Offenders lives, being founded on the Law of Mercy, and upon the great Reverence, Honor, and Devotion, which the Prince bears to the place whereunto he grants such Priviledge. See *Stampf. Pl. Cor. lib. 2. cap. 28. P. Bonifacius 5. iussit Aras & Ecclesiæ esse asyla reis*, says *Platina*. Among all other Nations, our ancient Kings of England seem to have attributed most to these *Sanctuaries*, permitting them to shelter such as had committed both Felonies and Treasons: So that within forty days they acknowledged their fault, and submitted themselves to banishment. During which time, if any Layman expelled them, he was excommunicated; if any Clerk, he was made irregular: But after forty days, no Man might relieve them. See *New Book of Entries*, verbo, *Sanctuary*, and *Fleta*, lib. 1. cap. 29. How by degrees they have been taken away. See the Statutes 26 Hen. 8. cap. 13. and 28 Eiusdem, cap. 7. 32 Eiusdem, cap. 12. and 33 Eiusdem, cap. 15. — 1. Edw. 6. ca. 12 & 2 Eiusdem, ca. 2. & 33. and 5 Eiusdem, cap. 10. See *Abjuration*. Saint Johns of Beverley in Yorkshire, had an eminent Sanctuary belonging to it, which the Saxons called *Fridstol*, q. *Sedes Pacis*. So had St. Martins le Grand in London, 21 Hen. 8. cap. 16. And Rippon had the like, for which see *Fred-mortel*.

Sand-gabel, Is a payment due to the Lord of the Mannor of *Rodely* in *Com. Glos.* for Liberty granted to the Tenants, to dig Sand for their uses. *Taylors Hist. of Gavelkind*, fol. 113.

Sarplar of Wool (*Sarplera Lanæ*) (otherwise called a *Pocket*) Is half a *Sack*; a *Sack*, eighty *Tod*; a *Tod*, two *Stone*; and a *Stone*, fourteen Pound. See *Fleta*, lib. 2. cap. 12. This in Scotland is called *Serpiliathe*, and contains *M m m* eighty

eighty Stone. See *Skene, verbo, Serpiatke*, and 3 Part Inst. fo. 96.

Sasse, (Annis 16 & 17 Car. 2. ca. 12.) is a kind of Wear with Floudgates, most commonly in Navigable and Cur Rivers, for the damming and loosing the stream of Water, as occasion requires, for the better passing of Boates and Barges to and fro. This in the West of England is called a *Luck*, and, in the River Lee (less properly) a *Turnpike*, and in some places, a *Sluce*.

Saterdays-slop, Is a space of time in which of old it was not lawful to take Salmons in Scotland, and the North of England; that is, from Evensong on Saturday, till Sun-rising on Monday. MS.

Sauer default. i. To excuse a defalt; which is properly when a man, having made defals in Court, comes afterwards and alleages good cause why he did it, as Imprisonment at the same time, or the like, New Book of Entries on this word.

Saukefis, (from the Fr. Sang, i. Sanguis & Fin, Finis,) Is a word used by Britton, ca. 119. for the determination, or final end of the lineal Race or descent of a Kindred.

Saronlage, or Seatenlage, (Seaxenlaga) lex Saxonum. See *Merchenlage*.

Scandalum Magnatum, Is the special name of a Scandal, or wrong done to any high Personage of the Realm, as Prelates, Dukes, Earles, Barons, or other Nobles, as also the Lord Chancellour, Treasurer, Steward of the House, Clerk of the Privy-Seal, Justice of either Bench, or other great Officers, by false newes, or Messages, whereby Debates and Discords betwixt them and the Commons, or any scandal to their persons may arise. Anno 2 Rich. 2. ca. 5. and hath given name to a Writ granted, to recover damage thereupon.

Seabage, Schebage, Schewage and Scheawing, (From the Sax. *Seceianian, Ostendere*) Is a kind of Toll or Custom, exacted by Mayors, Sheriffs, &c. of Merchant strangers, for Wares shewed, or offer'd to sale within their liberties, which is prohibited by the Statute 19 Hen. 7. ca. 8. In a Charter of Henry the Second to the City of Canterbury, it is written *Scewinga*; and (in Mon. Ang. 2 Par. fo. 890. b.) *Sceawing*. The City of London does still retain the Custom, to a good yearly profit. Of which Custom the half endell appertaineth to the Sheriffs, and the other half endel unto the Hostys, in whose Houses the Marchants ben lodged. And it is to wot, that Seavage is the Shew; because that Marchantys betwenn unto the Sheriffs Marchaundyses of the whiche Custums ought to be taken, ore that ony thing thereof be sold, &c. Out of an old printed Book of the Customs of London.

Scabenger, (From the Belgic *Sechan*, i. To scrape, or shave away,) Two in every Parish of London and its Suburbs are yearly chosen into this Office, who hire Men, (called *Rakers*) and Carts to cleanse the Streets, and

carry away the dirt and filth thereof, mentioned 14 Car. 2. ca. 2. The Germans call him a *Wecksimon*, from one Simon, a noted Scavenger of Marpurg.

Scire facias, Is a Writ judicial, most commonly to call a man to shew cause to the Court, whence it issues, why Execution of a Judgment passed should not go out. This Writ is not granted before a year and a day be passed after the Judgment given. Old Nat. Br. fo. 151. See Anno 25 Edw. 3. Stat. 5. ca. 2. and 39 Eliz. ca. 7. And see other diversities of this Writ in Reg. of Writs, and new Book of Entries.

Scite, (Anno 32 Hen. 8. ca. 20.) See Site.

Sharkalla, or Scarhella. —It was especially given in charge by the Justices in Eyre, that all Juries should inquire *de his qui pescantur cum Ryddellis & Skarkallis*. Cokes 2 Part Inst. fo. 28. But, he does not declare what *Sharkalla* is.

Scot, (Sax. *secat*, i. A part or portion) Is (according to Rastal) A certain custom, or common Tallage, made to the use of the Sheriff, or his Bailiffs. *Scot* (says Camden out of Matth. Westm.) illud dicitur, quod ex diversis rebus in unum acerum aggregatur. Anno 22 Hen. 8. ca. 3. —**Bearing neither Scot, Lot nor other charges, &c.** Anno 33 Hen. 8. ca. 9. In Records it is sometimes written *Scoth*.

Scot and Lot, (Anno 33 Hen. 8. ca. 9.) Signifies a customary contribution laid upon all Subjects, according to their ability. Hoveden, (in principio Hen. 2.) writes it *Anlote & Anscote*. In the Lawes of William the Conqueror set forth by Lambert, you have these words, (ca. 125.) *Et omnis Francigena, qui tempore Edwardi propinquus nostri fuit in Anglia, pariceps Consuetudinem Anglorum, quod dicunt Anhlote & Anscote per solitum secundum legem Anglorum.* Again —*Rex omne injustum Scottum interdixit.* Hoveden, in Anno 1088. *Scot* from the Sax. *secat*, ut supra; *Lot*, Sax. *Llot*, i. *Says*.

Willielmus Rex Anglorum Herleberto Norwicensi Episcopo & omnibus Baronibus suis de Norfolk & Suffolc salutem. Sciatis me dedisse Sancta Trinitati Norwicensi Ecclesia, rogatu Rogeri Bigoti, terram Michaelis de Utmonasterio & terram de Tenerham, qua ad eandem terram pertinet, quietam semper & liberam ab omnibus Scottis & Geldis, & omnibus aliis Consuetudinibus. T. Eudone Dapifero apud Westm. Ec.

Scotal, or Scotale, (*Scotalla & Scotallum*) Is a word used in the Charter of the Forest, ca. 7. Nullius Forestarius vel Bedellus faciat Scotallas, vel Garbas colligat, vel aliquam Collectam faciat, &c. *Manwood*, Par. 1. pa. 216. defines it thus. A *Scotal*, is where any Officer of the Forest keeps an Alehouse within the Forest, by color of his Office, causing men to come to his House, and there to spend their Money, for fear

fear of displeasure. It is compounded of *Scot* and *Ale*, which by transposition of the words is otherwise called an *Aleshot*, and by the Welshmen *Cymorth*.

Memorandum, quod prædicti tenentes, (de South-malling) debent de consuetudine inter eos facere Scotalium de xvi denariis & ob. Ita quod de singulis sex denariis detur i denar. & ob. ad potandum cum Bedello Domini Archiepiscopi super prædictum Feudum. Ex vetere Consuetudinario Manerii de Southmalling in Archivis Archiep. Cantuar.

Scudland, (Sax.) Terra cujus proventus vestibus emendis assignari sunt. Land allotted for buying apparel or cloathing. Ita Eadsius quidem Presbyter in Carta sua Ecclesia Canicularia. Dedit etiam terram illam apud Orpington tunam in vita sua, pro anima sua, Deo in Ecclesia Christi servientibus in Scuplant, i. Fundum vestiarium. Sax. Dict.

Scutage, (Scutagium. Sax. Scilbpenig) Hen. 3. for his voyage to the Holy-Land, had a Tenth granted by the Clergy, and Scutage, three marks of every Knights-Fee by the Laity. Baker in Hen. 3. This was also granted to Henry the Second, Richard the First, and King John.

Scutagio habendo, Was a Writ that lay for the King, or other Lord, against the Tenant that held by Knights-Service, to serve by himself, or a sufficient man in his place, in War against Scots or French, or else to pay, &c. Fitz-Nat. Br. fo. 83.

Scutum armorum, A Sheild or Coat of Armes. Neverint universi per presentes me Iohannam nuper uxorem Will. Lee de Knightley, Dominam & redditam heredem de Knightley dedisse — Ricardo Peshale filio Humfridi Peshale Scutum armorum meorum. Habend. & tenend. ac portand. & utend. ubique voluerit sibi & hereditibus suis imperpetuum. Ita quod nec ego nec aliquis alius nomine meo aliquod jus vel clamcum seu calumpniam in prædicto Scuto habere poterimus, sed per presentes sumus exclusi imperpetuum. In cuius — Dat. apud Knightley — (Anno 14 Hen. 6.

Scepre-gemot, (Sax. Scyppgemot) Was a Court held twice every year (as the Sheriffs Turn is at this day) by the Bishop of the Diocese, and the Ealdorman, (in Shires that had Ealdormen) and by the Bishops and Sheriffs, in such as were committed to Sheriffs that were immediate to the King; wherein both the Ecclesiastical and Temporal Laws were given in charge to the Country. Seldens Titles of Honor, fo. 628. See Confessory.

Seal, (Sigillum) Is well known. The first sealed Charter we find extant in England is that of King Edward the Confessor upon His foundation of Westminster Abby. Dugdale's Warwickshire, fo. 138. b. Yet we read in the MS. History of *Offa*, King of the Mercians — Rex offa literas Regis Sigilli sui munimine confignatiss etiam Nuncius commisit deferendas. And that Seals were in use in the Saxon's time, see Taylors Hi-

story of Gavelkind, fo. 73. See Wang. Anno 1536. Domini etiam atque Generos, relictis imaginibus equitum in Sigillis, posuerunt Arma sua in parvis Scutis. Chron. Joh. Rossi, in Bibl. Cotton.

Sealer, (*Sigillator*) Is an Officer in the Chancery; who is appointed by the Lord Chancellor or Keeper of the Great Seal of England, to Seal the Writs and Instruments there made in his presence.

Seam. (Sax.) See *Seme*.

Sean fish, (Anno 1 Jac. Sec. 1. ca. 25.) Seems to be that sort of Fish, which is taken with a great long Net, call'd a *Scan*.

Searcher. See *Alneger*.

Sea-rober, (Anno 16 Car. 2. ca. 6.) See *Privateir*.

Second Deliberance (*Secunda Delibera-tione*) Is a Writ that lies (after a return of Cattle replevied, adjudged to him that distrained them, by reason of a default in the party that replevied) for the replevying the same Cattle again, upon security, put in for the redelivery of them, in case the Distress be justified. New Book of Entries, verbo, *Replevin in Second Deliverance*, fol. 522. Vide Dycr, fol. 41. num. 4, 5.

Setta ad Curiam, Is a Writ that lies against him, who refuseth to perform his Sute, either to the County or Court Baron. Fitz. Nat. Br. fol. 158.

Setta facienda per illam quæ habet & nisi am partem, Is a Writ to compel the Heir, that hath the Elders part of the Coheirs, to perform service for all the Coparceners. Reg. of Writs, fol. 177. 4.

Setta Molendini, Is a Writ lying against him, that used to grind at the Mill of B. and after goes to another Mill with his Corn. Reg. of Writs, fol. 153. Fitz. Nat. Br. fol. 122. But it seems by him, that this Writ lies especially for the Lord against his Frank-tenant, who held of him by making Sute to his Mill. See the New Book of Entries on this word. *Setta ad Molendinum*, and *Affises of Nusance*, are now much turned into Trespasses and Actions upon the Case.

Setta ad justitiam faciendam (*Braffon*, pib. 2. cap. 16. num. 6.) Is a Service which a Man is bound by his Fee to perform.

Setta Shirarum. Per Settam Shirarum clamas esse quiet. de setta in Com. Cestrie & Flint coram Justic. Domini Principis in Communis Aula placitorum. Plac. in Itin. apud Cestriam. 14 Hen. 7.

Setta unica tantum facienda pro pluribus hereditatibus, Is a Writ that lies for that Heir, who is distrained by the Lord to more Sutes than one, in respect of the Land of divers Heirs descended to him. Reg. of Writs, fol. 177. 4.

Settas non faciendis, Is a Writ that lies for a Woman; who, for her Dower, ought not to perform Sute of Court. Reg. of Writs, fol. 174.

Secunda super operatione Pasturz, Is a Writ that lies where Admeasurment of Pasture hath been made, and he, that first surcharged the Common, does it again, notwithstanding the Measurement. Reg. of Writs, fol. 157. Old Nat. Br. fol. 73. Vide 13 Edw. 1. cap. 8.

Secondary (Secundarius) A Second Officer, who is next to the Cheif Officer: As the Secondary of the Fine Office. Secondary of the Compter, who is next to the Sheriff of London in each of the two Compters. Secondary of the Office of the Privy Seal. Anno 1 Edw. 4. cap. 1. Secondaries of the Pipe, two. Secondary to the Remembrancers, which are two Officers in the Exchequer. Camden, pag. 113.

Securitatem inveniendi , quod se non dicitur ad partes exteriores sine Licentia Regis, Is a Writ that lies for the King, against any of His Subjects, to stay them from going out of His Kingdom. The ground whereof is, That every Man is bound to serve and defend the Commonwealth, as the King shall think meet. Fitz. Nat. Br. fol. 85.

Securitate Pacis, Is a Writ that lies for one (who is threatened death, or danger) against him that so threatens, and is taken out of the Chancery, directed to the Sheriff, whereof the form and farther use, you may see in Reg. of Writs, fol. 88. b. and Fitz. Nat. Br. fol. 79.

Se Defendendo, Is a Plea for him, who is charged with the death of another, saying, He was forced to what he did in his own defence; the other, so assaulting him, that if he had not done as he did, he must have been in danger of his own life: Which danger ought to be so great, as that it appears to have been otherwise inevitable. Stamf. Pl. Cor. lib. 1. cap. 7. And although he justifie it to be done in his own defence, yet is he driven to procure his pardon of course from the Lord Chancellor, and forfeits, notwithstanding, his Goods to the King.

Seignior (Dominus, Fr. Seigneur) Signifies generally as much as Lord; but particularly it is used for the Lord of the Fee, or of a Man-
nor, as Dominus or Senior, among the Feudists, is he who grants a Fee or Benefit out of the Land to another; and the reason is, because (as Hotoman says) having granted the use and profit of the Land to another, yet the property (i. Dominium directum) he still retains in himself.

Seignior in Gross. See Lord in Gross.

Seignior (Dominium, Fr. Seigneurie, i. Dittio, Dominatus, &c.) Signifies a Mannor or Lordship. Seignorie de Sokemans. Kitchin, fol. 80. Seignorie in Gross, seems to be the title of him who is not Lord by means of any Mannor, but immediately in his own person: As Tenure in Capite, whereby one held of the King, as of His Crown, was Seignorie in Gross. Idem, fol. 206.

Seignourage (Anno 9 Hen. 5. stat. 2. cap. 1.) Seems to be a Regality or Prerogative of the King, whereby He challengeth allowance of

Gold and Silver, brought in the Mass to His Exchange, to be coyned.

Seisin (Seisina, Fr. Seisine) Possession; and Primier Seisin is the first Possession. Seisin is twofold, in Fact, and in Law. Perkins, Dover, 369 & 370. Seisin in Fact, is, When an Actual Possession is taken: Seisin in Law, is, When something is done, which the Law accounts a Seisin, as an Involment. Seisin in Law, is as much as a right to Lands and Tenements, though the owner be by wrong dispossessed of them. Perkins, Tenant pur le Curtefe, 457, 478. Coke, lib. 4. fol. 9. a. Calls it Seisin in Law, or Seisin Actual.

Seisina habenda, quia Rex habuit annum, diem, & hacten, Is a Writ that lies for Delivery of Seisin to the Lord, of his Lands or Tenements, who was formerly convicted of Felony, after the King, in right of His Prerogative, hath had the Year, Day, and Waste. Reg. of Writs, fol. 165. a.

Selda. (From the Sax. Seldæ, a Seat, Stool, or Settle) — Assisa Mensurarum Anno 9 Rich. 1. apud Hoveden. — Prohibemus ne quis mercator pretendat Seldæ sua rubros pannos vel nigros, vel scutæ vel aliqua alia per qua visus emptorum sepe decipiuntur, ad bonum pannum eligendum. In Majoribus Chronicis ubi locus hic vertitur; Seldæ Windot exponitur, says Spelman. But by what follows, it seems clearly to signifie a Shop, Shed, Standing, or Stall — Sciant præsenies & futuri, quod ego Thomas Pencombe de Bromyard dedi — Thomae Forsonet Vicario Ecclesie de Bromyard unam Sel-dam meam jacentem in Bromyard predict. apud Coznechepynge, &c. Dat. die Luna proxime post festum Santi Egidi Abbatis, Anno 10 Hen. 6. — Et medietatem unius Seldæ, vocat. le Unicorn in London. Mon. Angl. 2 par. fol. 322. a. Sir Edward Coke (on Littl. fol. 4. b.) takes, or rather mistakes Seldæ for a Salt-Pit.

Selion of Land (Selio terra) Fr. Seillon, i. Terra clata inter duos sulcos, in Latin Porca, in English a Sticke, or Ridge of Land, and in some places onely called a Land; and is of no certain quantity, but sometimes half an Acre, more or less. Therefore Crompton in his Juris. fol. 221. says, That a Selion of Land cannot be in demand, because it is a thing uncertain. It seems to come originally from the Saxon Jul or Jyl, i. aratrum, whence also the Fr. Seillonner, i. arare. — Charta veteris Acbronica maketh six Selions and a half, to be but one Acre. Scians præsenies & futuri quod ego Margeria filia Willielmi de Rylcia dedi, &c. Erama filia mea pro bomagio & servitio suo unam acram terra in campo de Camurth, scil. Illas sex Seliones & dimid. cum forera & sepe & fossato, que jacent in Aldwie juxta terram, &c. See Hade.

Seme (Summa, summagium) A Horse-load: A Seme of Corn is eight Bushels. Fratres Pra-dicator. (Heref.) pro 2 Sumagiis vocat. **Hemes** de focali percipiend. quoisidic de busco de Heywood pro termino 20 annorum. — 3 Hen. 5. par. 2. m. 18. See Sumage. — Habebunt etiam duas

duas summas frumenti, pro pastillis, cum volu-
erint, faciendas. Mon. Angl. 2 par. fol. 935. a.
— Et sint quieti de summagis & Murdro &
Tenniges & Wapentake & auxiliis Vice-comitum.
Ibid. fol. 201. a. — De quatuor summis salis,
continentibus quadrangulis bullones pro dimidia
salina sua. Ibid. fol. 256. b.

Sandal (*Anno 2 Rich. 2. cap. 1.*) Seems to be fine Linnen; but Sandal is a kinde of Phy-

ysical Wood brought out of the Indies.
Senoge. — *There goeth out yearly in Proxe-*
ge and Senoge 33 s. 6 d. History of S. Pauls
Church, fol. 272. Quare, if it be not the Money
paid for Synodals, as Proxege for Proxies or Pro-
cureations.

Seneschal (*Senescallus*, is derived of **Sein**,
 a House or place, and **Schalt**, an Officer or
 Governor. *Coke on Littl. fol. 61. a.* a Steward:
 As the High Seneschal or Steward of *England*.
Pl. Cor. fol. 152. High Seneschal or Steward, and
 South Seneschal or under Steward, *Kitchin*, fol.
 83. is understood of a Steward, and under
 Steward of Courts. *Seneschal de l'Hostel de Roy*,
 Steward of the Kings Household. *Cromp. Ju-*
ris. fol. 102. In *Purificatione Beatae Mariae*,
 fuit *Filius Regis Anglorum Parvissim & servivit*
Regi Francorum ad mensam, ut Senescallus Fran-
cise. Rob. de Monte. in *Anno 1170.* pag.
 649.

Senescalls & Marshallo quod non teneant
placita de libero tenemento, &c. Is a Writ
 directed to the Steward or Marshal of *England*,
 inhibiting them to take cognizance of an Action
 in their Court, that concerns either Free-
 hold, Debt, or Covenant. *Reg. of Writs*, fol.
 185. a. 191. b.

Seneucia, Widow-hood. *Si vidua dotata*
post mortem viri sui se maritaverit vel filium vel
filiam in Seneucia peperit, dotem suam amittet
& forisiet in quocunque loco infra Com. Kant.
Tenen. in Gavelkind. *Plac. Trin. 17 Ed. 3.*

Separation (*Separatio*) Of Man and Wife.
 See *Mulier.*

Septuagesima (*Westm. 1. cap. 51.*) Is al-
 ways the Fourth Sunday before *Quadragesima*,
 or the First Sunday in *Lent*, from whence it
 takes its numeral denomination; as *Quinqua-*
gesima is the next before *Quadragesima*, then
Sexagesima, and then *Septuagesima*; which are
 days appropriated by the Church to Acts of
 Penance and Mortification, and are a certain
 gradation or preparation to the devotion of
 Lent, then approaching. See *Quinquagesima*.

Sequatur sub suo periculo, Is a Writ that
 lies where a Summons *Ad Warrantandum* is
 Awarded, and the Sheriff returns, that he
 hath nothing whereby he may be summoned;
 then goes out an *Alias* and *Pluries*, and if he
 come not at the *Pluries*, this Writ shall issue
 forth. *Old Nat. Br. fol. 163.* *Coke on Littl. fol.*
101. b.

Sequela Curiæ, Suit of Court. — *Et*
quod sine libori a Sequela Curiæ. Mon. Angl.
 2 par. fol. 253. a.

Sequestration (*Sequestratio*) Is a separating a
 thing in controversy from the possession of both

those that contend for it. And it is twof old³
Voluntary or Necessary: Voluntary is, that which
 is done by the consent of each party; *Necessary*
 is that which the Judge, of his authority doth,
 whether the parties will or not. It is also used
 for the Act of the Ordinary, disposing the
 Goods and Chattels of one deceased, whose
 Estate no Man will meddle with. *Dyer, fol. 232.*
num. 5. and *fol. 256. num. 8.* As also for the
 gathering the Fruits of a Benefice void, to
 the use of the next Incumbent. *Anno 28 Hen. 8.*
cap. 11. *Fortescu, cap. 50.* And in divers other
 Cases.

Sequestro habendo, Is a Writ Judicial
 for the disolving a Sequestration of the Fruits
 of a Benefice made by the Bishop, at the Kings
 Commandment, thereby to compel the Parson
 to appear at the Sute of another: For the Par-
 son, upon his appearance, may have this Writ,
 for the Release of the Sequestration. *Reg. of*
Writs Judicial, fol. 36. a.

Serjeant (*Serviens vel Serians*) Is diversly
 used and applied to sundry Offices and Cal-
 lings. First, a *Sergeant at Law* (or of the
Coyf) otherwise called *Serjeant Coronari*, is
 the highest degree taken in that Profession, as
 a Doctor in the Civil Law: And to these, as
 Men best learned, and best experienced, one
 Court is sever'd, to plead in by themselves,
 which is that of the *Common Pleas*, where the
 Common Law of *England* is most strictly ob-
 served; and where they are not so limited ex-
 clusively to others, but they may likewise plead
 and be heard in other Courts, where the
 Judges, (who cannot be Judges until they have
 taken the degree of *Serjeant at Law*) do stile
 them *Brother*, and hear them with great respect,
 next unto the Kings Attorney, and Sollicitor
 General. These are made by the Kings Mandat,
 directed to them, commanding them upon a
 great penalty, to take upon them that degree,
 by a day certain therein assigned. *Dyer, fol. 72.*
num. 1. And of these, one is the *Kings Serjeant*,
 being commonly chosen out of the rest, in re-
 spect of his great learning, to plead for the
 King in all his Causes, especially in those of
 Treason. (*Pl. Cor. lib. 3. cap. 4.*) Of which,
 there may be more, if the King so please. In
 other Kingdoms he is called *Advocatus Regius*.
 With what solemnity these Serjeants are crea-
 ted, read *Fortescu, cap. 50.* *Cokes third Part,*
fol. 1. and *2 Insti. fol. 213.* These were also
 anciently called *Servientes Narratores*. — *Et*
prædictus Thomas le Marechal dicit, quod ipse
est communis Serviens Narrator Coram Justic.
Et alibi ubi melius ad hoc conduci poterit, Et quod
ipse in Placito prefata Affisa coram præfatis
Justiciariis stetit cum prædicto Johanne, Et de
concilio suo fuit, Sc. Trin. 25 Edw. 1. Coram
Rege, Oxon 22. — *Md. quod termino Trin.*
Anno 26 Hen. 8. Tho. Willoughby, & Johannes
Baldwin, Serjeants de Roy, fuerunt facti Chi-
valiuers, & que nul tiels Serjeants devant. fuer-
unques facti Chivaliers. Ex MS. *Vocat. Spelmans*
Reports.

The next is a *Serjeant at Arms*, or of the *Mace* (*Serviens ad Arma*) whose Office is to attend the person of the King. *Anno 7 Hen. 7. cap. 3.* to arrest Traitors or Persons of Condition, and to attend the Lord High Steward of England, sitting in Judgment upon any Traitor, and such like (*Pl. Cor. lib. 3. cap. 1.*) Of these by the Statute *13 Rich. 2. cap. 6.* there may not be above thirty in the Realm. Two of them, by the Kings allowance, do attend on the Two Houses of Parliament, whose office in the House of Commons, is the keeping of the doors, and (as of late it hath been used) the execution of such commands, especially touching the apprehension of any offender, as that House shall enjoyn him. *Cromp. Jur. fol. 9.* Another of them attends on the Lord Chancellor or Lord Keeper, in the Chancery. And one on the Lord Treasurer of England. One upon the Lord Major of London, upon extraordinary solemnities; one attendeth upon the Lord President of Wales, and another upon the Lord President of the North.

Another sort of *Serjeants*, are cheif Officers, who execute several Functions or Offices within the Kings Household; of which, you may read many in the Statute of *33 Hen. 8. cap. 12.*

There is also a more inferior kind of *Serjeants of the Mace*, whereof there is a Troop in the City of London, and other Corporate Towns, that attend the Major, or other Head Officer, cheifly for Matter of Justice. *Kitchin. fol. 143.* And these are called *Servientes ad Claram. New Book of Entries, verbo, Scire facias, in Mainpernows, cap. 3. fol. 538.*

Serjeants of Peace. — *Et etiam habere ibidem (i. Dunham) sex Servientes qui vocantur Serjeants of Peace, qui servient Cur. Manerii predicti, & facient Attach. & executiones omnium Placitorum & querelarum in dicta Curia Placitorum, &c. Pl. de quo Warranto apud Cestriam, 3 Ed. 3.*

Serjeanty (*Serjanteria*) Is a Service that cannot be due to any Lord from his Tenant, but to the King onely; and it is divided into *Grand Serjeanty* and *Petit*. The first is where one holds Land of the King by service, which he ought to do in his own person, as to bear the Kings Banner, Spear, &c. *Petit Serjeanty* is where a Man holds Land of the King, to yield him yearly some small thing towards his Wars, as a Sword, Dagger, Bow, &c. of which read *Braeton. lib. 2. cap. 16. & 37.* And *Britton. c. 66. num. 1. & 2.* *Inter feodalia servitia sumnum est & illustrissimum, quod nec Patronum aliquem agnoscit prater Regem*, says the Learned Spelman. *Lib. M.S. Feodal. de Baldwinio de Pettoe, qui tenuit terras in Hemington in Com. Suff. per Serjantiam, pro qua debuit facere die Natali Domini singulis annis coram Domino Rego Anglia, Saltum, Sufflum, & Pettum, at. unum Saltum, unum Sufflatum, & unum Bumbalum.* And Sir Rich. Rockesley held Lands at Seaton by Serjeanty to be *Vassarius Regii*, i.e. The Kings Fore-footman when he went into Gascoign, *Donec per usus fuit par solutarium precii 4 d.* until he had worn out a pair

of shooes of the price of 4 d. Which Service, being admitted to be performed, when the King went to Gascoign to make War, is Knights Service. *Coke on Lutl. fol. 69. b.* See the Statute of *12 Car. 2. cap. 24.* Whereby all Tenures of any Honors, Mannors, Lands, &c. are turned into Free and Common Socage; but the Honorary Services of *Grand Serjeanty* are thereby continued.

Serbage (*Anno 1 Rich. 2. cap. 6.*) See *Service*.

Serbice (*Servitium*) Is that which the Tenant by reason of his Fee oweth to his Lord; which is sometimes called *Servage*, as *Anno 1 Rich. 2. cap. 6.* Our ancient Law-Books, make divers Divisions of *Service*, as into *Military* and *Base*; *Personal* and *Real*; *Intrinsic* and *Extrinsic*, &c. But since the Stat. *12 Car. 2. cap. 24.* Whereby all Tenures are turned into Free and Common Socage, much of that learning is set aside. See *Coke. lib. 4. Bevis Cafe, fol. 9. a.* See *Socage*. *Thomas Leigh Esquire* (at the Coronation of King Charles the Second) brought up to the Kings Table a Mess of Potage called *Dillgrout*, which *Serbice* had been adjudged to him by the Court of *Claims*, in right of the Mannor of *Addington in Com. Surrey*; whereupon the Lord High Chamberlain presented him to the King, who accepted the *Service*, and afterwards Knighted him.

Serbentibus, Are certain Writs touching Servants, and their Masters, violating the Statutes made against their abuses, which see in *Reg. of Writs, fol. 189. & 191.*

Serbice secular (*Anno 1 Edw. 4. cap. 1.*) *Worldly Service*, contrary to *Spiritual* or Ecclesiastical.

Serbitum ferrandi, Of Shoing a Horse. See *Palfrey*.

Serbitis Acquietandis, Is a Writ Judicial that lies for one Distraigned for Services to *A*, who ows and performs to *B*, for the Acquittal of such Services. *Reg. of Writs Judic. fol. 27. a. & 36. b.*

Serbitors of Bills, Are such Servants or Messengers of the Marshal belonging to the Kings Bench, as were heretofore sent abroad with Bills or Writs to summon Men to that Court, being now called *Tipstaffs*. *Anno 2 H. 4. cap. 23.*

Session of Parliament. The passing any Bill or Bills, by giving the Royal Assent thereto, or the giving any Judgment in Parliament, doth not make a *Session*, but the *Session* does continue till that *Session* be Prorogued or Disolved. See *4 Part Inst. fol. 27.*

Sessions (*Sessiones*) Signifies a Siting of Justices in Court upon their Commission; as the *Sessions* of *Oyer and Terminer*. *Pl. Cor. fol. 67.* *Quarter Sessions*, otherwise called *General Sessions*, or *Open Sessions*. *Anno 5 Eliz. cap. 4.* Opposite whereunto are *Especial*, otherwise called *Privy Sessions*, which are procured upon some special occasion for the more speedy dispatch of Justice. *Crown. Just of Peace, fol. 199.* *Petit Sessions* or *Starre Session*, are kept by

by the High Constable of every Hundred for the placing of Servants. *Anno 5 Eliz. cap. 4.* See Statute Sessions.

Seigneur (*Anno 25 Edw. 3. cap. 6.*) Seems to signify the assessing or rating of Wages.

Seberance, Is the singling or severing two or more, that joyn or are joyned in one Writ. As, if two joyn in a Writ *De libertate Probanda*, and the one afterwards be non-sute, here *Severance* is permitted, so as, notwithstanding the non-sute of the one, the other may severally proceed. *Fitz. Nat. Br. fol. 78.* and *Brook, iii. Severance & Summons, fol. 238.* There is also *Severance* of the Tenants in an *Affise*, when one, two, or more Diffisors appear upon the Writ, and not the other. *New Book of Entries, fol. 81.* And *Severance in Attaints, eodem, fol. 95.* And *Severance in Debt, fol. 220.* where two Executors are named Plaintiffs, and the one reiuseth to prosecute. *Severance of Corn*, is the cutting and carrying it from off the Ground, and sometimes the setting out the Tythe from the rest of the Corn is called *Severance*. See *Crokes Rep. 2 Part, fol. 325.*

Several Layl (*Tallium Separatum*) Is that whereby Land is given and entailed severally to two: For example, Land is given to two Men and their Wives, and to the Heirs of their Bodies begotten, the Donees have joyn't-estate for their two lives, yet they have several inheritance; because the issue of the one shall have his moyety, and the issue of the other, the other moyety.

Several Tenancy (*Tenura Separalis*) Is a Plea or Exception to a Writ, that is laid against two, as Joyn't, who are indeed several. *Brook hoc iit, fol. 273.*

Sewer (*Severa & Sewera*) *Eft fossa in locis palustribus ducta ad aquas elicendas,* &c. A Passage or Gutter to carry Water into the Sea, or a River. *Anno 6 Hen. 6. cap. 5.* and *12 Car. 2. cap. 6.* And Commissioners of Sewers are such as, by authority under the Great Seal, see Drains and Ditches well kept and maintained in the Marish and Fen Countreys, for the better conveyance of the Water into the Sea, and preserving the Grafs upon the Land, for Food of Cattle. See the Statutes *15 Car. 2. cap. 17.* and *17 Eiusdem, cap. 11.* Touching the Draining the Great Level in the Fens, called *Bedford Level*, and the authority of the Governor, Bailiff, &c. As Commissioners of Sewers.

Sextarp (*Sextarius*) Was an ancient Measure, containing about our pint and a half, (according to the *Latin Dictionary*) the City (now Town) of Leicester paid (*inter al.*) to the King yearly Twenty five Measures called *Sextaries* of Honey; as we read in *Domesday*, And in *Claus. 4 Edw. 3. m. 26.* we finde mention of *Tresdecim Sextarios Vini.* — *Et unum Sextarium Salis apud Wainflet. Mon. Angl. 2 par. fol. 849. b. Decem Mittas brasii, quatuor Sextarios Avene ad prabendam.* Idem, 1 par. fol. 136. b. Where it seems to have been used for a much greater quantity. A *Sextary* of Ale, contained *xvi Lagenas.* See *Tolsester.*

Sexagesima. See *Septuagesima.*

Shack, Is a Custom in Norfolk to have Common for Hogs, from the end of Harvest, till Seed time, in all Mens Grounds without control. *Cokes 7 Rep. fol. 5. Corbets Case.* And in that County, *To go at Shack*, is as much as, to go at large.

Shares. See *Flotzon.*

Sharping Corn, Is a Customary gift of Corn, which, at every *Christmas*, the Farmers in some parts of *England* give to their Smith, for sharpening their Plough Irons, Harrow times, and such like, and exceeds not half a Bushel, for a Plough-Land.

Sherbet (*Anno 15 Car. 2. cap. 11.*) Is a Compound Drink lately introduced in *England* from *Turky* and *Persia*, and is made of Juyce of Lemmons, Sugar, and other ingredients: Another sort of it is made of Violets, Honey, Juyce of Raisins, &c. *Sherbert* in the Persian Tongue, signifies pleasant Liquor.

Shermans Craft, Is a Craft or Occupation at *Norwich*, the Artificers whereof do Shear as well *Worsteads, Stamfords, and Fustians*, as all other Woollen Cloth; and mentioned *Anno 19 Hen. 7. cap. 17.*

Shewing, Is to be quit of Attachments in any Court, and before whomsoever in Plaints shewed, and not avowed. *Termis Ley.* See *Scavage.*

Shilling (*Sax. Scilling*) Among our English Saxons, consisted but of Five pence. *Si in capillis sit vulnus longitudinis unius Unciae V denarii, & uno solidi componatur.* LL. H. I. c. 99.

Ship-money, Was an Imposition charged upon the Ports, Towns, Cities, Boroughs, and Counties of this Realm, in the time of King Charles the First, by Writs commonly called *Ship-writs*, under the Great Seal of *England* in the years 1635. and 1636. for the providing and furnishing certain Ships for the Kings service, &c. which (by Stat. *17 Car. 1. cap. 14.*) was declared to be contrary to the Laws and Statutes of this Realm, the Petition of Right, Liberty of the Subjects, &c.

Shipper (*Anno 1 Jac. 1. cap. 33.*) Is a Dutch word, signifying the Master of a Ship. We corrupt it into *Skipper*, and use it for any Common Seaman.

Shire (*Comitatus*) From the Saxon *Scip* or *Scypp*, i. To part or divide. Is well known to be a part or portion of this Land, called also a *County*. Who first divided this Land into Shires, see in *Camd. Britan. pag. 102.* Of which, there are in *England* Forty, and in *Wales* Twelve. *In privilegiorum Chartis ubi conceditur quietum esse a Shiris, intelligendum est de immunitate, qua quis eximitur a Secta vel clientela Curie Vicecomitum (quae etiam Shiras vocant) prestanta vel perficienda. Spel.* The Assizes of the Shire, or the Assembly of the people of a County, was called *Scip-gemot* by the Saxons.

Shiris or **S**hiref (*Vicescomes*) *geschi, Shire-reve.* Sax. *Scipe-gepefa*, i. *Pagi vel Comitatus Prepositus*, the Chief Officer, under the King, of a Shire or County. *Caunden* (in his *Britan. pag. 104.*) thus describes his Office,

Singulis vero annis, Nobilis aliquis ex incolis preficitur, quem Vicecomitem, quasi Vicarium Comitis, & nostra lingua Shypet, i.e. Comitatus Praepositum, vocamus: Quis etiam Comitatus vel Provincia Quasior recte dici potest. Ejus enim est publicas pecunias Provincia sua conquerere, multas irrogatas vel pignoribus ablatis colligere, & arario inferre, Judicibus praefato adesse & eorum mandata executi, duodecim viros cogere, qui in causis de factis cognoscunt, & ad Judices referunt (Judices enim apud nos Juris solum, non facti sunt Judices) condemnatos ad supplicium ducere, & in minoribus litibus cognoscere, in majoribus autem jus dicunt Jusificarii, quos Itinerantes ad Assisas vocant, qui quot annis hos Comitatus bis adeunt, ut de Causis cognoscant, & Carceratis Sententiam ferant. Henricus secundus hos Itinerantes instituit, vel potius restituist. Ille (ut inquit Matth. Paris) consilio filii sui & Episcoporum constituit Jusificarios, per sex partes Regni, in qualibet parte tres, qui jurarent, quod cuilibet jus suum conservarent illas.

Of the Antiquity and Authority of this Officer, read Cokes Rep. lib. 4. Mitters Case, and Spelmans Glossarium, verbo, Vicecomes. The Shirif was anciently chosen in the County Court by the Suffrages of the People, as Knights of Parliament yet are, but is now nominated by the King. See Fortescue, cap. 24. fol. 53. Vicecomes, dicitur, quod Vicecomis supplet in placitis illis quibus Comes ex sua dignitate ratione participat cum Rege. Niger lib. Scaccarii. The Form of his Oath, see in the Reg. of Writs, fol. 331. b.

Shirif-tooth — Per Shiriftooth Johannes Stanley Ar. clamat habere de qualibet tenente infra feodum de Aldford unum denarium & quadrantem per annum, exceptis Dominicis terris propriis & terra in feodo & Manerio prædicto Maner. & Hundred. de Macclesfeld. Rot. Plac. in Itin apud Cestriam 14 Hen. 7.

Shirebe weke of Winchester and of Essex, (the compass or extent of a Sheriffs authority) Anno 21 Rich. 2. cap. 10. & II. Sheriffwikes. Anno 13 Eliz. cap. 22.

Shirifalty (Anno 14 Car. 2. cap. 21.) The time of ones being Sheriff.

Shire Clerk, Seems to be the Under-Sheriff. Anno 11 Hen. 7. cap. 15. Sometimes taken for a Clerk in the County Court, Deputy to the Under-Sheriff. See Cokes Rep. lib. 4. Mitters Case.

Shire-mote. See Shire and Turn.

Shop (Shopa) — *Omnibus* — *Johannes Horse-* *net de Hereford Bochour salutem. Novembris me* *præfatum Johannem dedisse.* &c. *Rogero Smyth* *de Bromyard unam Shopam cum pertin. suis* *in Bromyard prædict. scitiat. in le Market-place* *ibidem,* &c. Dat. 27 Febr. 9 Edw. 4. See Seida.

Shorling and Morling, Seem to be words to distinguish Fells of Sheep: *Shorling* signifying the Fells after the Fleeces are shorn off the Sheeps back; and *Morling alias Mortling*,

the Fells clean off after they die, or are killed. Anno 3 Edw. 4. cap. 1. and 4 Eiusdem, cap. 3. Howbeit in some parts of England they understand by a *Shorling*, a Sheep whose Fleece is shorn off, and by a *Morling*, a Sheep that dies. See Morling.

Sich (*Sicketum & Sikkettus*) A little Current of Water, which is dry in the Summer. — Inter duos Sickettos, quorum unus cadit inter Mon. Angl. 2 par. fol. 426. b. Also a Water-Furrow or Gutter, accordingly in Worcester-shire I know a Moorish Ground called Black-sich.

Sicut alias, Is a Writ sent out in the second place, where the first was not executed. Coke, lib. 4. fol. 55. b. It is so called of these words expressed in it. As *Carolus Dei gratia, &c. Vicecomiti Heref. salutem. Præcipimus tibi (sicut alias præcipimus) quod non omittas proper aliquam libertatem in Baliva tua, quin tam ingrediaris & capias A. B. de C. in Comitatu tuo gen. &c.* Lambert in his Tract of Processes in the end of his Eiren.

Sidemen alias Questmen, Are those that are yearly chosen, according to the Custom of every Parish, to assist the Church-wardens in the Enquiry, and presenting such offenders to the Ordinary, as are punishable in the Court Christian.

Sigillum — *Notum fit omnibus Christianis, quod ego Johannes de Gresley non habui potestatem Sigilli mei per unum annum integrum ultimo præteritum, jam notifico, in bona memoria & sana mente, quod scripta Sigillo meo contradico & denego in omnibus a tempore prædicto usque in diem restorationis Sigilli prædicti. In cuius rei testimonium Sigillum Decanatus de Repton posui. Testibus Domino Thoma Stafford Milite, Johanne Arden, &c. Dat. apud Drakelew, 18 Rich. 2. See Seal and Tabelion.*

Significabit, Is a Writ which issues out of the Chancery, upon a Certificate given by the Ordinary, of a Man that stands obstinately excommunicate by the Space of forty days, for the laying him up in prison without Bail or Mainprise, until he submit himself to the authority of the Church. And it is so called, because significavit, is an emphatical word in the Writ.

There is also another Writ of this name in the Register of Writs, fol. 7. a. directed to the Justices of the Bench, willing them to stay any suit depending between such and such, by reason of an Excommunication alleged against the Plaintiff; because the sentence of the Ordinary that did excommunicate him, is appealed from, and the Appeal yet depends undecided. See Fitz. Nat. Br. *De Excommunicato capiendo*, fol. 62. & 55. A. where you may finde Writs of this name in other Cases.

Signet (*Signet*) Is one of the Kings Seals, wherewith His Private Letters are sealed, and is always in the Custody of the Kings Secretaries: And there are four Clerks of the Signet Office attending them. 2 Inst. fol. 556.

Silk-thower or Thrower (*Anno 14 Car. 2. cap. 15.*) Is a Trade, or Mystery, that winds, twists, and spins, or throws silk, thereby fitting it for use, who are incorporated by the said Act: Wherein there is also mention of **Silk-winders** and **Doubters**, which are Members of the same Trade. *Anno 20 Car. 2. cap. 6.*

Silva Cædus. See *Sylva Cædus.*

Simmel, (*Siminelus vel Symmellus*) *Panis purior, sic dictus, quod a simila, hoc est, puriori farina parte efficiuntur. Panis simelagineus, Simnel-bread.* It is mentioned in *Affisa Panis*, (and is still in use, especially in Lent.) **Bread made into a Simnel shall weigh two shillings less than Wastel bread.** *Stat. 51 H. 3. sec Cocket.*

Simony, (*Simonis*) *Venditio rei sacrae, a Simon Mago dicta.* It was agreed by all the Justices *Irin. 8. Jac.* That if the Patron present any person to a Benefice with Cure, for Mony, That such Presentation, &c. is void, though the Presentee were not privy to it; and the Statute gives the presentation to the King. *Cokes 12 Rep. fo. 74.* *Simony may be by compact betwixt strangers, without the privity of the Incumbent or Patron.* *Croke 1 Part. fo. 331. Barwoderkes Case. Hob. Rep. fo. 165. Noy's Rep. fo. 22. Pascals Case, & 3 Inst. fo. 153.*

Simplex — *Carta simplex*, A Deed-Poll, or single Deed — *Ricardus Mayben de Sutton per Cartam simplicem huic indentura indentatam, delit, &c.* *Dat. 22 Edw. 3.*

Sine assensu Capituli, Is a Writ that lies where a Dean, Bishop, Prebendary, Abbot, Prior or Master of Hospital, aliens the Land held in the right of his House, without the consent of the Chapter, Covent or Fraternity; In which case his Successor shall have this Writ, *Fitz. Nat. Br. fo. 195.*

Sine die, i. Without day. When Judgment is given against the Plaintiff, he is said to be *In misericordia pro falso clamore suo, & eat inde sine die*, i. He is dismissed the Court.

Si non omnes, Is a Writ of association, whereby, if all in Commission cannot meet at the day assign'd, it is permitted that two or more of them may finish the business. See *Association*, and *Fitz. Nat. Br. fo. 185. & 111, Ec.*

Si recognoscant, Is a Writ that lies for a Creditor against his Debtor, who has, before the Sheriff in the County-Court, acknowledged himself to owe his Creditor such a sum receiv'd of him *in pecunias numeratis*. The form of which Writ is this — *Rex vicecom. salutem Præcip. tibi quod si A. recognoscat se debere R. 40 solidos sine ulteriori dilatione, tunc ipsum distinguis ad prædictum debitum eidem R. sine dilatione reddendum, Teste, &c.* Old. Nat. Br. fo. 63.

Site, or **Seite**, (*Situs*) The setting, or standing of any place, the Seat, or Situation of a Capital House or Messuage; a Territory, or quarter of a Country. As we often find the Site of the late dissolved Monastery of, i. The place where it stood. — The word is found in

the Stat. 32 Hen. 8. ca. 20. & 22 Car. 2. ca. 11. and is there written **Scite.** — *Dedi Situm hæc, in quo domus sua sita est.* Mon. Angl. 2 Par. fo. 278. b.

Sitheundman, (Sax.) *Sithcundus; custos paganus interpretatur.* Lamb. expl. verb. pa. 5. Such a gentleman as had the Office to lead the men of a Town or Parish. *E clæs nobilium erat*, says Somner.

Sepbinage, (*Anno 27 Hen. 6. ca. 2.*) Signifies the precincts of *Calcis.*

Smalt (*Anno 21 Ja. ca. 3. and Pat. 16 Feb. 16 Ja. Ital. smalto*) Is that of which Painters make Blew Colour.

Smoke silver. *Tenementum Newsted cum pertinen. &c. in villa de Staplebirst in Cam. Cant. tenetur de manorio de East-greenwich per fideliatem tantum in libero Soccagio, per Pat. dat. 3 Febr. 4 Edw. 6. And by the payment for Smoke-silver to the Sheriff yearly the sum of six pence.* Notes for Lord Wootton's Office, 1628. There is *Smoke-silver* and *Smoke-penny* paid to the Ministers of divers Parishes, conceiv'd to be paid in lieu of Tithewood, — Or, it may, as in many places at this day, be a continued payment of the Romefest, or Peter-pence. See *Chimney-money.*

Soc, (Sax.) Signifies power, authority, or liberty to minister Justice, and execute Lawes: Also the Shire, Circuit, or Territory, wherein such power is exercised by him that is endued with such a priviledge or liberty. Whence our Law Latin word *Soca* for a Seignory or Lordship, enfranchised by the King, with the liberty of holding or keeping a Court of his *Sockmen*, or *Socagers*, i. His Tenants, whose tenure is hence call'd *Socage*. This kind of liberty is in divers places of England at this day, and continually known by the name of *Soke*; or *Soken*. Skene says *Sob*, (an old word, used in Charters and Feoffments, which are in sundry old Books, containing the Municipal Laws of this Realm) is cal'd *Seda de hominibus suis in Curia secundum confuciuinem regni, &c.* See *Braeton, lib. 2. Tract. 2. ca. 8.* where he makes mention of these liberties, *Soc, Sac, Tol, Team, Infangsbef, & Utfangbef.* LL Hen. 1. ca. 22. — *Sive Sican totaliter habent, five non. Soca, id quod Franchiam dicimus, i. Locus privilegiatus, libertas, immunitas, refugium, asylum, sanctuarium, & Sac. Socen & Socne, bac ipsa significantibus.*

Socage, or Soggage, (*Socagium*) From the Fr. *Soc*, i. *Vomer*, a Plowshare, or Coulter) Is a tenure of Lands, by or for certain inferior or Husbandry services to be perform'd to the Lord of the Fee. See *Institutes of Common-Law. 31. Braeton, (lib. 2. ca. 35. nu. 1.)* Describes it thus, *Dici poterit Soggagium a Socco, & inde tenentes qui tenent in Soccagio, Sockmanni dici poterunt, eo quod deputati sunt, ut videtur, tantummodo ad culturam, & quorum custodia & maritagia ad propinquiores parentes jure sanguinis pertinet, &c.* Skene says, *Socage* is a Tenure of Lawes, whereby a man is feoffed freely without Wardship or Marriage, paying to his Lord some small rent, &c. which is called *free-Socage*, there was also *base Socage*, otherwise

otherwise called *Villenage* — *Braffon adds* — *Soccagium liberum est, ubi sit servitium in donatis Dominis capitalibus, & nubis inde omnino datur ad scutum & servitium Regis.* This free *Socage* is also called *common Socage*, Anno 37 H. 8 ca. 20. Other divisions there are in our Law, Writers of *Socage in Capite*, &c. But, by the Statute 12 Car. 2. ca. 24. all Tenures from and after 24 February, 1645, shall be adjudged and taken for ever to be turned into free and *Common Socage*.

Sokmans, alias *Sokemans*, (*Socmanni*) Are such Tenants as hold their Lands by *Socage Tenure*; But, the Tenants in ancient De-mean seem most properly to be called *Sokmans*. *Fitz. Nat. Br. fo. 14. b. Bristol. ca. 66. n. 2.* — *Progenitores Simonis Bokeley omnia sua in Houston per liberum Sokagium tunc tenebant, & quieti erant de Scelis Curiarum, Consuetudinibus, exactionibus & demandis.* Lib. — *S. Albani Tit. Houston, ca. 1.* The word *Sokeman* is found in the Statute of Wards and Relief, 28 Edw. 1.

Socne, (Sax. *Socne*) A Priviledge, Immunity, Liberty or Franchise. — *Volo, ut ipsi sint virorum Sac & Socne;* The colonel etiam & Teami (privilegiorum feliciter & jurium sic appellatorum) digni intra tempus & extra tempus, &c. *Char. Canuti Regis, in Hist. Eccl. Cath. S. Pauli, fo. 189.* See *Soc*.

Sosome, signifies a Custom of grinding at the Lords Mill; And there is *Bond-Sosome*, where the Tenants are bound to it, and *Love-Sosome*, where they do it freely out of love to their Lord.

Soke, (Anno 32 Hen. 8. ca. 15. &c. 20.) Significat libertatem Curiae tenentium quam *Socam appellamus*. *Fleta, lib. 1. ca. 47. Sect. Soke. Soka, hoc est quod Prior habet sectam de homagiis suis ad Curiam suam, secundum communem consuetudinem regni Angliae.* M. S. de libertat. Priorat. de Cokesford. Per *Soke Will.* Stanley in manorio suo de Knottesford clamat cognitionem Placitorum debiti, transgressionis, conventionis & detentionis infra summ. 40 sol. de aliis complicitibus quibuscumque sine brevi. Pl. in Iiun. apud Cestriam, 14 Hen. 7. *Soke*, i. Aver Fraunce Court de ses homes. MS. See *Soc*.

Soken, (*Soca*) See *Soc* and *Hamsoken*. *Soherere* Seems to be the Lords Rent-gatherer in the *Soke* or *Soken*. *Fleta, lib. 2. ca. 55.*

Solda. — *Pascat* — *quod nos Iohannes Romayne senior de Leoninfr. & Iohannes Romayne junior de eadem remissimus* — *Iohanni Meule vicario Ecclesie de Wiggemore Ricardo Botewell Constabulari Castri de Wiggemore, & Fouke Sprengelbose totum jus nostrum & clamium* — *in una Solda cum pertinentiis in Leoninfr. situata in alio vico inter Soldanam quondam Ricardi Spicer & Soldanam quae fuit Philippi Collinge, &c.* Dat. 2. Octobre, 19 Ric. 2. It seems to be the same with *Selda*, a Shop, or Shed.

Solet & Solet. See *Debet & Sollet*.

Soletenant, (*Solus tenens*) Is he or she that holds only in his or her own right, without any other joyned. For example, if a man and his

wife hold land for their live, the remainder to their Son; Here the man dying, the Lord shall not have Heriot, because he dies not sole-tenant, *Kitchin, fo. 134.*

Solicitor, (Solicitor,) Signifies a man employ'd to follow and take care of Sutes depending in Courts of Law or Equity; formerly allowed only to Nobility, whose menial servants they were; but now too commonly used by others to the great increase of Cham-perty, and Maintenance and Damage of the People.

Solidata tertz. See *Fardingdeal of Land*. *Solidata* signifies also the pay or stipend of a Souldier. *Et qui terram non habent & arma habere possunt, illuc veniant ad capiendum solidatas nostras.* Breve Regis Johannis vicecothurnatus Angliae. Anno 1213.

Solinus terra, In *Domesday Book* contains two Plowlands, and sometimes less than a half; for there it is said *Septem Solini terra sunt, 17 Garcat*.

Soller, or *Solar*, (Solarium) A Chamber, or upper room. *Dedi* — *unam Shoppam cum Solario super adificato.* Ex vet. carta.

Solucione feodi militis Parlamenti, and *Solutione feodi Burgen*. *Parliamenti*, Are Writs whereby Knights of the Shire, and Burgesses may recover their allowance, if it be deny'd, Anno 35 Hen. 8. ca. 11.

Sommons. See *Summons*.

Sontage, Was a Tax of forty shillings laid upon every Knights Fee. *Stow, pa. 284.* In some places the word is used for coarse Cloth, as bagging for Hops, or the like. *Systema Agriculturae*.

Sorcery, (Sortilegium) Witchcraft, or Divination by Lots: which is Felony, by 1 Jac. ca. 12. *Sortilegus, quis utitur sortibus in canticibus Daemonis.* 3 Inst. fo. 44. *Sorcery & devinal sunt members de Heresy. Mirror, ca. 1. Sect. 5.* Excepted out of the Act of General pardon, 12 Car. 2. ca. 11.

Sothale, In *Braffon*, (Lib. 3. Tract. 2. ca. 1.) It is written *Sothail*, but both conceived to be mistaken for *Scotale*, which vide. *Henrici ann. tertii etate hoc sublatum esse constat ex Braffon.*

South-Wicount, — (*sub-viccomes*) The under-Sheriff, *Cromp. Jur. fo. 5.*

Soton, Is a corruption from the Fr. *Souvenu*, i. Remembred; For the Stat. 4 Hen. 5. ca. 7. in the Original French, hath des Eſtreſt niens ſouvenus, which, by turning the two single u v, into w, was first made *Souvenu*, afterwards *Soton*; which properly signifies remembred; And such Eſtreſts and Caſualties as are not to be remembred, run not in demand, that is, are not leviable. It is used as a word of art in the Exchequer, where, *Eſtreſts that ſown not*, are such as the Sheriff by his industry cannot get; and *Eſtreſts that ſown*, are such as he may gather. 4 Part. Inst. fo. 107.

Speaker of the Parliament, Is an Officer in that High Court, who is, as it were the Common-Mouth of the rest, of which there are two,

one termed, *The Lord Speaker of the House of Peers*, who is most commonly the *Lord Chancellor of England*, or *Lord Keeper of the Great Seal*; the other, (being a Member of the House of Commons) is called the *Speaker of the House of Commons*. The duties of which two you have particularly described in a Book, Entituled, *The Order and usage of keeping the Parliament*. See *Parliament*.

Special matter in evidence. See *General Issue*, and *Brooke*, tit. *General Issue*, and *Special Evidence*.

Specialitas. A specialty, is usually taken for a Bond, Bill, or such like Instrument.—*Presentatum fuit per Juratores*—*quod quidam Johannes de Pratis habuit quandam uxorem amicabilem de cuius specialitate, Willielmus, filius Henrici Molendinarii, & similiter quidam alii malefactores fuerunt*; *Ita quod predicti malefactores venerunt ad lectum ipsius Johannis, ubi iacebat, & ipsum traxerunt ab eadem, & ipsum abinde duixerunt & tenuerunt, dum predictus Willielmus concubuit cum ea.* Pl. coram Rege apud Ebor. Mich. 1 Ed. 3. Rot. 123. Here it seems to be used for special, or particular acquaintance.

Spinster. —*Pollard miles & Judic. habuit 11 filios gladiis cinctos in tumulo suo, & totidem filias fusis depictas.* Spelman in his *Aspilogia*, says — *Antiquis temporibus ipsa Regina fusis usq[ue] sunt, unde bodo omnes famulae Spinsters dicta sunt.* It is the Addition usually given to all unmarried Women, from the Viscounts Daughter downwards. Yet Sir Edward Coke says *Gencrosa*, is a good addition for a Gentlewoman, and, if they be named Spinster in any Original Writ, Appeal, or Indictment, they may abate, and quash the same. 2 Inst. fo. 668.

Spiritualities of a Bishop, (*Spiritualia Episcopi*) Are those Profits which he receives, as he is a Bishop, and not as he is a Baron of the Parliament. (Stamf. Pl. Cor. fo. 132.) Such are the duties of his Visitation, his benefit growing from Ordaining and Instituting Priests, Prestation Money, that is, *subsidium charitativum*, which, upon reasonable cause, he may require of his Clergy, the benefit of his Jurisdiction, &c. *Joachimus Stephanus de Jurisdict. lib. 4. ca. 14. num. 14.*

Spittle-house, (mentioned in the Act for Subsidies, 15 Car. 2. ca. 9.) is a corruption from *Hospital*, and signifies the same thing; or, it may be taken from the Teutonic *Spital*, an Hospital, or Almes-house.

Spoliation, (*Spoliatio*) Is a Writ that lies for an Incumbent against another Incumbent, in case where the right of Patronage comes not in to debate. As if a Parson be made a Bishop, and has dispensation to keep his Rectory, and afterwards the Patron presents another to the Church, who is instituted and inducted; The Bishop shall have against this Incumbent a Writ of Spoliation in Court Christian. *Fitz. Nat. Br. fo. 36.* See *Benevolence*.

Spullers of Parn, (*Anno 1 Mariae, Parl. 1.*

ca. 7.) Are tryers of Yarn, to see if it be well spun, and fit for the Loom.

Sqalley (*Anno 43 Eliz. ca. 10.*) See *Reverey*. It is a note of faltines in the making of Cloth. **Stablestand**, (*Stabilis statio, vel potius stans in stabulo*) is one of the four Evidences, or Presumptions, whereby a Man is convinced to intend the stealing the Kings Deer in the Forest. *Manwood, Par. 2. ca. 18. num. 9.* the other three are *Doghaw, Backbear, Bloudy-hand*. This **Stablestand** is, when a Man is found at his standing in the Forest, with a Cross, or Long-Bow bent, ready to shoot at any Dear, or else standing close by a Tree with Greyhounds in a Lease, ready to slip.

Stagnarium. (*Rectius Stannarium*) A Tin-mine. Rec. &c. Roberto de Curtenay : *Concessimus Dominae Reginae matri nostrae Cuncum & Stagnarium Devon. ad se justinendum. Paten. Anno 1 Hen. 3.*

Stagnes, (*Stagna*) Ponds, Pools, or standing Waters —mentioned, *Anno 5 Eliz. ca. 21.*

Stalboat, A kind of Fishers-boat. *Anno 27 Eliz. ca. 21.*

Stalkers, A kind of Fishing-Nets; mentioned *Anno 13 Rich. 2. Stat. 1. ca. 20. & 17 ejusdem, ca. 9.*

Stallage, (*Stallagium*) From the Sax. *stal*. i. *Stabulum, statio*) the liberty or right of pitching or erecting Stalls in Fair or Marker, or the Money paid for the same. *Quod si aliquis portaverit res suas ad forum & posuerit super Stallas, faciet redemptionem pro eis qualibet die Luna, vel semel pro toto anno.* Ex Registro Priorat. de Cokesford. See *Scavage*. In Scotland it is called *Stallange*, and among the Romans it was termed *Siliquacum*.

Standard. See *Estandard*.

Standel, Is a young store-Oake-tree, which may in time make Timber; twelve such are to be left standing in every Acre of Wood, at the felling thereof. *Anno 35 Hen. 8. ca. 17. and 13 Eliz. ca. 25.*

Stannaries, (*Stannaria*, from the Lat. *Stannum, i. Tin,*) Are the Mynes and Works where this Metal is got and purify'd, as in Cornwall and elsewhere. Of which read *Cam. Brit. pa. 119.* The liberties of the *Stannarymen*, granted by *Edward the First*, before they were abridg'd by the Statute of 50 *Edward the Third*. See in *Plowden, casu Mines, fo. 327.* and *Cokes 12 Rep. fo. 9.* And the liberties of the *Stannary-Courts*, see *Anno 17 Car. 1. ca. 15.*

Staple, (*Statupum*) Signifies this or that Town or City, whether the Merchants of England were by Act of Parliament to carry their Wool, Cloth, Lead, Tyn, and such like Staple Commodities of this Land, for the utterance of them by the great. The word comes from the Fr. *Estate*, i. *Forum vinarium*, a Market, or Staple for Wines, which is the principal Commodity of France. And, in an old French Book, thus — *A Calais y avore Estate de la laine*, &c. i. The Staple for Wool. You may read of many places appointed for this Staple

in our Statutes, according as the King thought fit to alter them, from 2 Ed. 3. ca. 9. to 5 Ed. 6. ca. 7. What Officers the Staples had belonging to them, you may see Anno 27 Ed. 3. Stat. 2. ca. 21. The Staple Commodities of this Realm are, *Wool, Leather, Woolflets, Lead, Tin, Butter, Cheese, Cloth, &c.* as appears by the Stat. 14 Ric. 2. ca. 1. though some allow only the five first. See 4 Inst. fo. 238.

Star-chamber, (*Camera stellata*, Otherwise called *Chamber des Estoiles*) Was a Chamber at Westminster, so called, because at first all the roof thereof was decked with Images of gilded Stars. Anno 25 Hen. 8. ca. 1. It is written the *Sterred Chamber*. Henry the Seventh and Henry the Eighth ordained by two several Statutes, (viz. 3 Hen. 7. ca. 1. and 21 Hen. 8. ca. 2.) That the Chancellor, assisted by others there named, should have power to hear complaints against Retainers, Embraceors, Misdemeanors of Officers, and such other offences, which, through the power and countenance of such as did commit them, did lift up the head above other faults, and, for which, inferior Judges were not so meet to give correction, and the Common-Law had not sufficiently provided. And, because that place was before dedicated to the like service, it was still used accordingly. See *Camden*, pa. 112, 113. But, by the Stat. 17 Car. 1. ca. 10.) the Court commonly called the *Star-Chamber*, and all Jurisdiction, Power and Authority thereto belonging, &c. are, from and after 1 August, 1641, clearly and absolutely dissolved, and determined.

Starling. See *Sterling*.

Statute, (*Statutum*) Has divers significations. First, it signifies an Act of Parliament made by the King and his three Estates of the Realm; in which fence it is either general or special. *Coke*, lib. 4. *Hollands Case*. Secondly, Statute is a short Writing, called a *Statute-Merchant*, or *Statute-Staple*, which are in the nature of Bonds, Anno 5 Hen. 4. ca. 12.) and are called *Statutes*, because made according to the form expressly provided in certain *Statutes*, which direct both what persons, and in what manner they ought to be made. *West*, par. 1. *Symbol*, lib. 2. Sect. 151. defines a *Statute-Merchant* to be a Bond acknowledged before one of the Clerks of the *Statutes-Merchant*, and Mayor of the *Staple*, or chief Warden of the City of *London*, or two Merchants of the said City for that purpose assigned, or before the Mayor, chief Warden, or Mayor of other Cities or good Towns, or other sufficient Men for that purpose appointed; sealed with the seal of the Debtor, and of the King, which is of two pieces, the greater is kept by the said Mayor, &c. and the less by the said Clerk. The form of which Bond *Fleta*, (lib. 2. ca. 64. Sect. 2.) thus delivers—*Noverint universi me N. de tali Comitatu teneri M. in Centum Marciis, solvendis eidem M. ad Festum Pent. Anno Regni Regis, &c. Et nisi fecero, concedo quod currant super me & hæredes meos distritio & pena provisa in Statuto Domini Regis edito apud Westm. Datum*

London. tali die. — The Fee for the Seal is, for *Statutes* acknowledged in Fairs, for every pound a half penny, and out of Fairs a farthing. The execution upon *Statute-Merchant* is first to take the Body of the Debtor, if he be lay, and can be found, if not, his Lands and Goods; and is founded on the Statute 13 Ed. 1. Stat. 4. See *New Book of Entries*, verbo, *Statute-Merchant*.

Statute-Staple is either properly so called, or improperly; Properly, is a Bond of Record acknowledged before the Mayor of the *Staple*, in the presence of one of the two Constables of the same *Staple*; The Fee for the Seal is, of every pound, (if the same exceed not 100 l.) a half-penny, and if it exceed 100 l. a farthing; By virtue of which *Statute* the Creditor may forthwith have execution of the Body, Lands and Goods of the Debtor, and this is founded on the Statute 23 Ed. 3. ca. 9. A *Statute-Staple* improper, is a Bond of Record, founded upon the Statute 23 Hen. 8. ca. 6. of the nature of a proper *Statute-Staple*, as to the force and execution of it, and acknowledged before one of the Chief Justices, and in their absence before the Mayor of the *Staple* and Recorder of London. The forms of all which Bonds or Statutes see in *Westm. Part 1. Symbol. lib. 2. Sect. 152—154, &c.*

Statutes, Is also used in our vulgar Discourse, for the petite Sessions, which are yearly kept for the disposing of servants in service, by the Statute 5 Eliz. ca. 4. See *Recognizance*.

Statute-Sessions, Otherwise called *Petty-Sessions*, are a meeting in every Hundred of all the Shires in *England*, where, by custom, they have been used, whereunto the Constables do repair, and others, both Householders and Servants, for the debating of differences between Masters and their Servants, the rating of Servants Wages, and the bestowing such People in service, as being fit to serve, either refuse to seek, or cannot get Masters, Anno 1 Eliz. ca. 4.

Statuto Stapula, Is a Writ, that lies to take his Body to Prison, and to seise upon his Lands and Goods who hath forfeited the Bond, called *Statute-Staple*. *Reg. of Writs*, fo. 151.

Statutum de laboreariis, Is a Writ Judicial, for the apprehending such Labourers, as refuse to work according to the Statute. *Reg. Judic.* fo. 27. b.

Statutum mercatorium, Is a Writ for the Imprisoning him, that has forfeited a Bond called *Statute-Merchant*, till the Debt be satisfied. *Reg. of Writs*, fo. 146. b. and of these there is one against Lay-persons, another against Ecclesiastical.

Stemmifreoch, — *Nec non libertate multura sua in molendino ipsius Roberti, &c. quod sint Stemmifreoch & Cholfreoch.* *Mon. Angl. 2 Par. fo. 293. b. quare.*

Stennerie, Is used for the same with *Stanneyes* in the Statute 4 Hen. 8. ca. 8. See *Stanneyes*.

Sterbzech, alias **Strebzech**, Is the breaking, obstruction, or diminution of a way, or the turning

turning it out of its right course; from the old English word **Stre**, i. *Via*, and **Bræch**, *fractio, violatio*; hence to go *astray*, or as we now write it *stray*, i. To go out of the way. *Strebrecb* 100*sol.* emendet. Leg. Hen. 1. ca. 81. **Strebrecb est, si quis viam frangat, concludendo, vel avertendo, vel fodiendo.** MS.

Sterling, (*Sterlingum*, and in old Records *Sterilensis*) Was the ancient Epitheton for money (properly of Silver) currant in this Realm; Stat. of *Purveyors*, ca. 13. and took name from this, that there was a certain pure Cöyn, stamped first in England by the *Easterlings*, or Merchants of *East-Germany*, by the command of King *John*. Accordingly *Hoveden* writes it *Esterling*: And, in several old Deeds I have seen *vint livres d'Esterlinges*. By the Stat. 31 Ed. 1. the *Peny*, which is called the *Sterling*, round, and without clipping, weighs 32 graines of Wheat, well dried, and twenty pence make an ounce, and twelve ounces a pound, and eight pound a Gallon or Wine, and eight Gallons a Bushel, which is the eighth part of a *Quarter*. — The word *Sterling* is now much disused, in stead of five pound *Sterling*, we say five pound of currant, or lawful English Money. See more of this word in the *Sax. dict. verbo, Steopan*.

Stewes, or Stues, Are those places, which were permitted in England to Women of professed incontinency, for the profer of their bodies to all comers; and is derived from the Fr. *Estuves*, (i. *Iherme, Balneum*) because wantons are wont to prepare themselves for venereous acts by bathing; And, that this is not new, Homer shews in the eighth Book of his *Odyss.* where he reckons *Hot Bathes* among the effeminate sort of pleasures. See the Statute of 11 Hen. 6. ca. 1. — *Henry the Eighth* about the year 1546, forbade them for ever.

Steward, (*Seneschallus*) Is compounded of the Sax. *Steda*, i. Room, Place or Stead, and **Ward**, as much as to say, a man appointed in my place or *stead*; and hath many applications, yet always signifies an Officer of chief account within his Jurisdiction. The greatest of these is the *Lord High-Steward of England*, which was anciently the inheritance of the Earls of *Leicester*, till forfeited to *Henry the Third* by *Simon de Montfort*; but, the power of this Officer being very great, of late he has not usually been appointed for any long time, but only for the dispatch of some special business, at the Arraignment of some Noble-man in case of *Treason*, or such like, which once ended, his Commission expires. Of the High-Steward of Englands Court you may read 4 *Inst. fo. 59.* Then is there the *Steward of the Kings Household*, Anno 24 Hen. 8. ca. 13. whose name was changed to that of *Groat-Master*, Anno 32 ejusdem, ca. 39. But, this Statute was repealed by 1 Mar. 2 Parl. ca. 4. and the Office of *Lord Steward of the Kings Household* revived, where you may read much of his Office; as also in *Fitz. Nat. Br. fo. 241. b.* Of this Officers ancient power read *Fleta*, lib. 2. ca. 3. This word is of so

great diversity, that there is in many Corporations, and in all houses of Honour, throughout the Realm, an Officer of this name and authority. What a *Steward* of a Manner or Household is, or ought to be, *Fleta* fully describes, lib. 2. ca. 71, & 72. Though *Seneschallus* be now the usual Latin for *Steward*, yet I have seen a Copy of Court-Roll of *Mardyn* in *Herefordshire*, (17 Edw. 4.) concluding thus, — *Et hoc Copie sigillum Locumentenris est appensum.*

Stilpard, (*Guild-halda Teutonicorum*) Anno 19 Hen. 7. ca. 23. — 22 Hen. 8. ca. 8. and 32 ejusdem, ca. 14. Was a place in London, where the fraternity of the *Easterling-Merchants*; otherwise called the *Merchants of Hawse* and *Almain*, (Anno 1 Edw. 6. ca. 13.) had their abode. See *Geld*. It was so called of a broad place or Court, wherein *Steel* was much sold, upon which place that *House* was founded. See *Hawse*.

Stoc and Stobel. — *Praterea si homines de Stanhal dicti Abbatis inventi fuerint in bosco praedicti W. cum forisfacto ad Stoc & ad Stobel, (al. Stobene) & aliquis querens corporaliter in terram per eos seissa fuerit, malefacto pro delicto, qui taliter inventus est, reddet tres solidos — Similiter concessum est, quod si aliquis inventus fuerit cum branchis querendum, vel cum aliis minutis bofcis, cum forisfacto illo ad Stoc & ad Stobel, malefactor illi reddet sex denariis.* E quadam Carta conventionum inter Will. de Bray & Abbt & Conv. de Osney. See *Zuche*.

Stockiskind. See *Gavelkind*.

Stotall. — Also mozeober we habe granted, in amendment of the City, that they bin all quit of Brytchel, of Childwir, Zeresgen, and of Stotall; So that no Sheffir of London, neither none other Wayp, make Stotal in the *Francheis* aforesaid, &c. This I find in an old Printed Book, which delivers it (inter al.) As the Charter of Hen. 1. to the City of London; but, the word is without doubt mistaken for *Scotale*.

Stone of wool, (*petra lana*, Anno 11 Hen. 7. ca. 4.) Ought to weigh fourteen pounds, yet in soine places by Custom it is more, and in some places it is but twelve pounds and a half. *Le Charre de plumbo confusat ex 30 formellis & qualibet formella continet 6 petras exceptis duabus libris, & qualibet Petra confusat ex 12 libris. Compositio de ponderibus.* A Stone of Wax is eight pound. And, at London, the Stone of Beef is no more. See *Weights and Sarples*.

Stobene. See *Zuche*.

Statwage, (From the Sax. *Stop. Locus*) Is the Room or place where Goods are laid, or the money that is paid for such place.

Straits or Streits (Anno 18 Hen. 6. cap. 16. and 1 Rich. 3. cap. 8.) A sort of narrow, Course Cloth, or Kersey, anciently so called.

Stranded (from the Sax. *Stpan*, i. A Shore or Bank of the Sea, or great River) Is when a Ship is by tempest, or ill steerage run on Ground, and so perishes. Stat. 17 Car. 1. cap. 14. See *Strond*.

Strap. i. Si aliquod animal casu erraverit, & infra libertatem Prioris advenierit, & a Ballivus ejus captus fuerit, ducetur ad Pynfoldam, & ibi servabitur per unum annum & unum diem; si nemo illud clamaverit infra illud tempus, erit Priori: Si autem venerit quis & legitime probaverit illud esse suum, dabit pro quolibet pede unum denarium, & solvet expensas qua facta fuerant, & rehabet bestiam suam. Ex Registr o Priorat. de Cokesford, see Estray.

Stranger (Fr. Estrangier) Signifies generally a Man born out of the Realm, or unknown; but in Law it hath a special signification for him that is not privy, or party to an Act: As a Stranger to a Judgment, (Old Nat. Br. fol. 128.) is he to whom a Judgment does not belong, and herein it is directly contrary to party or privy. See Privy.

Stream-works (Anno 27 Hen. 8. cap. 23) Is a kinde of work in the Stanneries. Of these Mines or Tinworks (says Camden in his Britan. fol. 184.) there are two kindes; the one called Lodeworks, the other Stream-works: This lies in lower Grounds, when by Trenching they follow the Veins of Tin, and turn aside now and then, the streams of Water coming in their way: The other is in higher places, when upon the Hills they dig very deep pits, which they call Shafts, and undermine.

Streetgabel or Stretgabel, i. Quilibet tenens in Mancio de Cholinton dabit 2 s. pro ita & redditu. MS. de temp. E. 1. Every Tenant of that Mannor (in Com. Sussex) paid yearly 2 s. (for his going out, and returning into it) to the Lord of the Mannor, by the name of Streetgavel. Mich. 4 Edw. 1. Coram Rege. Antiquity of Pourvance, fol. 222.

Strip (Strepitus) Destruction, Matilation; from the Fr. Estropier, i. Muilare, detrunicare radicibus — Strepitum & vastum facere, i. To make Strip and Waite, or Strop and Waste. See Estreapte.

Streteward. Per Streward Johannes Stanley Ar. clamat quod Servientes pacis & Ministri sui infra Feodum de Aldford capere debent de qualibet fuga catalorum iv d. Rot. Pla. in Itinere apud Cestriam 14 H. 7. See Marketzeld.

Strond (Sax.) A Shore or Bank of the Sea or great River. Ricardus Rex — Notum facimus vobis nos concessisse — Deo & Sancto Albano Ecclesia sua Sancti Oswini de Tynemuth, Cella S. Albani & Monachis ibidem Deo servientibus omnes terras suas & omnes homines suos, cum Sacha, Soca, Ober Strond & Streme, on Wlode & Felde, Toll, Ibeam, & Gritburg, Ham-socne, Murdrum & Forestal, Danegeld, Infangenethof, & Usfangenethof, Flemmensfreneth, Blodwit, Wrec, &c. Dat. 4 Nov. Anno 1 Regni nostri apud Cant. On Stronde et Streamie, on Wlde et Feld. — Voces Anglicae veteres, & in antiquioris eti Chartis crebro reperte; Privilegium sapienti, seu potius privilegiu latitudinem ampliitudinem, & sic Latine legantur, in litora, in fluvio, in silva & Campo. Gloss. in Scriptores.

Strumpet (Meretrice) Was heretofore used for an Addition. — Jur. præsent, &c. Quod Johannes le Maynwarunge de Whatecroft de Com. Cestria Esq; Laurentius le Waren de Davenham Esq; &c. Hugo de Sondebache Yoman, Hopkin, Norman de Com. Cestri. Husband-Knave, Willielmus le Birchwode de Clyve-Knave, cum plurimis aliis, & Agnes Carves de Medio Wico de Comitatu Cestri. **Strumpet.** — Tali die domum Ranulphi Madock vi & armis — frerunt, &c. Pla. apud Cestriam 6 Hen. 5. m. 2. in dorso.

Stud — Libere vendendi & emendi, tam in Cestria, quam in Comitatu & Wycis, ubi non fuit Lex ulla, omnia sine toll & Stud, præter sal & equos, &c. Mon. Angl. 2 Par. fol. 187. b. It is probable this is the fame, which is elsewhere written **Stuth**.

Stuth, — Per Stuth clamat esse quiet. de exactione pecunie a singulis villis — Per Vicecom. Comitat. Cestria. Pl. in Itin. ibid. 14 Hen. 7.

Submarshal (Submarscallus) Is an Officer in the Marshalsea, who is Deputy to the Chief Marshal of the Kings-house, commonly called the Knight Marshal, and hath the custody of the Prisoners there. Cromp. Jurisd. fol. 104. He is otherwise called Under Marshal.

Subornation (Subornatio) A secret or underhand preparing, instructing, or bringing in a false witness; or corrupting or alluring unto leudness. Hence Subornation of Perjury (mentioned in the Act of General Pardon. 12 Car. 2. cap. 8.) is the preparing, bringing in or alluring unto Perjury. Subornation of Witnesses. 32 Hen. 8. cap. 9. — 3 Part. Instit. fol. 167.

Subpœna, Is a Writ whereby common persons are called into Chancery, in such Case only, where the Common Law fails, and hath not provided: So as the party, who, in equity hath wrong, can have no ordinary remedy by the Rules and course of the Common Law; many examples whereof you may read in West, Par. 2. Symbol. tit. Proceedings in Chancery, Jett. 18. But Peers of the Realm in such Cases are called by the Lord Chancellors Letter, giving notice of the Sute intended against them, and requiring them to appear. There is also Subpœna ad Testificandum, which lies for the calling in of Witnesses to testify in any Cause, as well in Chancery as other Courts. And the name of both proceeds from words in the Writ, which charge the party called to appear, at the day and place assignd, Subpœna Centum librarum, &c. Cromp. Jurisd. fol. 33. Anno 1 Hen. 6. cap. 4.

Subsidium Cathedraticum. See Cathedratic.

Subsidy (Subsidium) Signifies an Aid, Tax, or Tribute, granted by Parliament to the King, for the urgent occasions of the Kingdom, to be levied of every Subject of ability, most commonly after the rate of 4 s. in the pound for Land, and 2 s. 8 d. for Goods.

I Do not finde, that the Saxon Kings had any Subsidies coll. Eliz. 1 after the manner of those this day; but they had many Customs whereby they

they levied Money of the people, or personal service toward the building and repairing of Cities, Castles, Bridges, Military Expeditions, &c. which they called **Burgbote**, **Brigbote**, **Perefare**, **Heregeld**, &c. But, when the Danes oppressed the Land, King Egelredus in the year 1007 yielded to pay them for redemption of Peace 10000 l. which after was increased to 36000 l. then to 113000 l. and at last to a yearly tribute of 48000 l. This was called **Danegeld**, i. Danica solutio. And, for levying it; every Hide of land, that is, every Plough-land was cessed 12 d. yearly, the Church-lands excepted 3; and thereupon it was after called Hydagium, which name remained afterward upon all Taxes and Subsidies imposed upon Lands 3; for, sometimes it was imposed upon Cattel, and was then called Hornegeld. The Normans called both these sometimes, according to the Latin and Greek word **Taxes**, sometimes, according to their own language **Tallagium**, of talier, to cut or divide 3; And sometimes, according to the word usual beyond the Seas, **auxilia** & **subsidia**. The Conqueror had these kind of Taxes or **Tallages**, and made a Law for the manner of levying them, as appears in Emendationibus ejus, p. 125. **Sect. volumus & hoc firmiter, &c.** After the Conquest these Subsidies seem to have been granted in other manner then now they are; as, every ninth Lamb, every ninth Fleece, and every ninth Sheaf, Anno 14 Edw. 3. Stat. 1. ca. 20. Of which you may see great variety in **Rastals Abr. Tit. Taxes, Tenthes, Fifteenths, Subsidies, &c.** and 4 Inst. fo. 28. & 33. whence you may conclude there is no certain rate, but as the Parliament shall think fit. **Subsidy** is, in our Statutes, sometimes confounded with **Custome**. Anno 11 Hen. 4. ca. 7. See **Benevolence**, and 15 Car. 2. ca. 7.

Hucking. *Per Hucking, hoc est fore quiete de illis americiamentis quando le Burlimen, id est, supervisores del Ringyord, id est Clausur. quae vocat le Chiminifildes vel common Meadowes, & præmonit. faciunt ad imparcand. & faciend. clausuras illas simul cum vicinis suis, ille qui non venit ad talen præmonitionem americiatus erit ad premium uniuersa vomerit, Anglice a **Huck**, prætii quatuor denar. & hoc quotiescumque præmonit. non venerit. Pla. in Itin. apud Cestriam, 14 Hen. 7.*

Surety of peace, (*Securitas pacis*, so called, because the party that was in fear is thereby secured) Is an acknowledging a Bond to the Prince, taken by a competent Judge of Record, for the keeping of the Peace. This peace a Justice of Peace may command, either as a Minister, when he is willed so to do by a higher Authority, or as a Judge, when he does it of his own power, derived from his Commission. Of both these see **Lamb**. *Eircn. lib. 2. ca. 2. pa. 77.* See **Peace** and **Suplicavit**. It differs from **Surety of good bearing** in this, that whereas the Peace is not broken without an affray, battery, or such like; **Surety de bono gestu** may be broken by the number of a mans company, his Weapons or Harness.

Suffragan, (*Suffraganus*) Is a titular Bishop, ordain'd to assist the Bishop of the Diocese in his Spiritual Function. Sir Edw. Coke, (2 Inst. fo. 79.) calls him a Bishops Vice-gerent. — **Dicuntur (Episcopi) qui Archiepscopo suffragari & assistere tenentur**, sayer Spezman. Et Suffragani dicuntur, quia eorum suffragiis cause Ecclesiastica judicantur. It was enacted, (Anno 26 Hen. 8. ca. 14.) that it should be lawful for every Diocesan at his pleasure to elect two honest and discreet Spiritual persons within his Diocese, and to present them to the King, that he might give the one of them such Title, Stile, Name and Dignity of such of the Sees in the said Statute specify'd, as he should think convenient, &c. and that every such person shall be called **Bishop Suffragan** of the same See, &c. *Cam.* in his Britan. Tit. Kent. speaking of the Arch-bishop of Canterbury's Suffragans, sayer, When the Arch-bishop is busied in weightier Affairs, they manage for him matters that pertain to Orders onely, and not to the Episcopal Jurisdiction.

Suite, or Sute, (*Sectio, sequela*) Signifies a following another, but in divers senses; the first is a **Sute in Law**, and is divided into **sute real and personal**, which is all one with Action real and personal. 2. **Sute of Court, or Sute-service**, is an attendance which a Tenant owes to the Court of his Lord, (Anno 7 Hen. 7. ca. 2.) 3. **Sute-Covenant**, is, when your Ancestor has Covenanted with mine to sue to his Court. 4. **Sute-Custom**, when I and my Ancestors have been seised of your and your Ancestors **Sute** time out of minde. 5. **Sute-real, or regal**, when men come to the Sheriffs Turn, or Leet. 6. **Sute** signifies the following one in Chase, as **fresh-sute**, Westm. 1. ca. 46. Lastly, it signifies a Petition made to the King, or any great person.

Suite of the Kings Peace, (*Secta pacis Regi*) Is the pursuing a man for breach of the Kings Peace, by Treasons, Insurrections, or Trespasses, Anno 6 Rich. 2. Stat. 2. ca. 1. and 27 ejusdem, ca. 15. & 5 Hen. 4. ca. 15.

Suit-silver. See **Sute-silver**.

Suling. See **Sweling**.

Summage. See **Sumage**, & **Seme**.

Summage, or Summage, (*Summagium & Summagium, a Horseload*) Toll for carriage on Horseback. *Cromp. Jur. fo. 91.* *Forestariorum capiat — pro uno equo qui portat summagium, per dimidium anni obulum.* — *Charta de Foresta, cap. ante-penult, & Cbar. Edw. 1. num. 17.*

Summons, Is a Writ Judicial of great diversity, according to the divers cases wherein it is used; which see in the Table of the Reg. judicial.

Summoner, (*Summonitor*) Is a small Officer that calls or cites men to any Court; These ought to be **boni homines**, that is in Flata's Judgment, **liberi homines, & ideo boni, quia terretur tenentes, quod sint coram talibus Justiciariis ad certos diem & locum, secundum mandatum Justiciariorum vicecomitis directum, parati lude faceri recognitionem**, lib. 4. ca. 5.

Summons.

Summons, (*Summonitio*) Signifies with us, as much as *versatio in ius*, or *Citatio* among the Civilians; and thence is our word *Summer*, which in French is *Somoneur*, (i. *Vocator, Monitor.*) *Summons* of the Exchequer, *Anno 3 Edw. 1. ca. 19.* How *Summons* is divided, and what circumstances it has to be observed. See *Fleta*, lib. 6. ca. 6, 7.

Summons in terra petita, (*Kirkin*, fo. 286.) Is that *Summons* which is made upon the land, which the party (at whose Suit the *Summons* is sent forth) seeks to have.

Summons ad Warrantizandum, (*Dyer*, fo. 69 nu. 35.) *Summons ad warrantizandum*, Is the Proces whereby the vouchee is called. See *Coke on Litt.* fo. 101. b.

Sumptuary Laws. Are Laws made to restrain excess in Apparel, and prohibit costly Cloaths, of which we have anciently had many in *England*, but all repealed, *Anno 1 Jac.* See 3 *Inst. fo. 199.*

Super institution, (*Super institutio*) One Institution upon another, as where A. is admitted and instituted to a Benefice upon one Title, and B. is admitted, instituted, &c. by the presentment of another. See *Hutchins Case in Cokes Rep. 2 Par. fo. 463.*

Supererogatione pasture, Is a Writ Judicial that lies against him, who is impleaded in the County, for the over-burdening a Common with his Cartel, in case where he was formerly impleaded for it in the County, and the Cause is removed into the Kings Court at *Westm.*

Super prerogativa Regis, Is a Writ which lay against the Kings Widow, for Marrying without his Licence. *Fitz. Nat. Br. fo. 173.*

Supersedeas, Is a Writ, which lies in divers cases, and signifies in general a Command to stay or forbear the doing of that which ought not to be done, or, in appearance of Law, were to be done, were it not for the cause whereon the Writ is granted. For example, a man regularly is to have surety of Peace against him, of whom he will Swear he is afraid, and the Justice, (if required) cannot deny it; yet, if the party be formerly bound to the Peace, either in Chancery, or elsewhere, this Writ lies to stay the Justice from doing that, which otherwise he might not refuse. See the *Table* of the Reg. of Writs, and *Fitz. Nat. Br. fo. 236.* for preventing the superseding Executions. See the Statute 16 & 17 Car. 2. ca. 8.

Super Statuto Edw. 3. versus Servants and Labourers, Is a Writ that lies against him, who keeps my Servants departed out of my service against Law. *Fitz. Nat. Br. fo. 167.*

Super Statuto de Pozb, quo nul ferrari distiller, &c. Is a Writ lying against him, that uses Vintalling, either in Grofs, or by Retail, in a City, or Borough-Town, during the time he is Mayor, &c. *Fitz. Nat. Br. fo. 172.*

Super Statuto, 1 *Edw. 3. ca. 12 and 13.* is a Writ that lay against the Kings Tenant hold-

ing in Chief, who alienated the Kings Land without his Licence. *Fitz. Nat. Br. fo. 175.*

Super Statuto facto pour Seneschal & Marshal de Pozb, &c. Is a Writ lying against the Steward or Marshal, for holding Plee in his Court of Freehold, or for trespasses, or contracts, not made within the Kings household. *Fitz. Nat. Br. fo. 241.*

Super Statuto de articulis Cleri, ca. 6. Is a Writ against the Sheriff, or other Officer, that distrains in the Kings High-way, or in the Glebeland, anciently given to Rectories. *Fitz. Nat. Br. fo. 173.*

Superbisor, (*Lat.*) A Surveyor, or Overseer: It was anciently, and still is a Custome among some, especially of the better sort, to make a *Supervisor* of a Will; an Office or Title (as it is now carelessly executed) to little purpose, and of as little use; however the intendment may be good, viz. That he should supervise the Executors, and see the Testators will punctually performed.

Superbisor of High-wapes, (*Anno 5 Eliz. ca. 13.*) Is otherwise called Surveyor. See Surveyor.

Supplicabit, Is a Writ issuing out of the Chancery, for taking the surety of Peace against a Man; It is directed to the Justices of Peace and Sheriff of the County, and is grounded upon the Statute 1 *Edw. 3. ca. 16.* which ordains, that certain persons shall be assigned by the Chancellor to take care of the peace. See *Fitz. Nat. Br. fo. 80.* This Writ was of old called *Breve de minis*, as *Lam.* in his *Eiren.* notes out of Reg. of Writs, fo. 88.

Sur cur in vita, Is a Writ that lies for the heir of that Woman, whose Husband has alienated her Land in Fee, and she brings not the Writ *Cui in vita*, for the recovery of her own Land; in this case her heir may have this Writ against the Tenant after her decease. *Fitz. Nat. Br. fo. 193.*

Surcharge of the Forest, (*Supererogatio Forestia*) Is, when a Commoner puts on more Beasts in the Forest, than he has right unto. *Manwood, Par. 2. ca. 14. nu. 7.* and is taken from the Writ *De secunda supererogatione pasture* in the same fence, when the Commoner surchargeth. 3 *Inst. fo. 293.*

Surplusage, (*Fr. Surplus, i. Corollarium, additamentum*) Signifies a superfluity, or addition more than needs, which sometimes is a cause that a Writ abates. *Brooke, tit. Nugation & Superfluity, fo. 100. Flouden, Casu, Dives. contra Maningham, fo. 63.b.* It is sometime also apply'd to matter of account, and signifies a greater disbursement, than the Charge of the Accountant amounts unto: *Satisfaciant in omnibus quod conjunctum fuerit per prædictum computum inter eos de surplusagio recepto de averiis venditiis, &c.* *Ordinatio de marisco Romencensis. Pa. 38.*

Surrejoyneder, Is a second defence of the Plaintiffs Action, opposite to the Defendants Rejoynder. *West, Part 2. Symbol. iii. Supplications,*

tions. *Set. 57.* And therefore Hotman calls it *Triplacionem, qua est secunda Alteris defensio, contra Rei duplicationem apposita.*

Surrebuter, A second Rebutter, or a Rebutting more than once. See *Rebutter*.

Surrender (*Sursum redditio*) Is an Instrument in Writing, testifying with apt words, that the particular Tenant of Lands, or Tenements for Life or Years, does sufficiently consent and agree, that he, who hath the next or immodiate Remainder or Reversion thereof, shall also have the present estate of the same in Possession, and that he yields and gives up the same unto him: For every *Surrender* ought forthwith to give a possession of the thing surrendered. *West. Par. 1. lib. 2. sett. 563.* where you may see divers Presidents. And *Surrender* may be of Letters Patent to the King, to the end he may grant the estate to whom he pleafeth. But there may be a *Surrender* without writing; and therefore there is said to be a *Surrender in Deed*, and a *Surrender in Law*: The first is that which is really and sensibly performed; the other is, in intendment of Law, by way of consequent, and not actual. *Perkins, Surrender, fol. 606.* As, if a Man have a Lease of a Farm, and during the term, he accept of a new Lease, this Act is in Law, a *Surrender* of the former. *Coke 6 Rep. fol. 11. b.* There is also a *Customary Surrender* of Copihold Lands, for which see *Coke on Littl. sett. 74.*

Surrogate (*Surrogatus*) One that is substituted or appointed in the room of another, most commonly of a Bishop, or the Bishops Chancellor.

Surfise (*Supersæsa*) Seems to be an especial name used in the Castle of Dover, for such Penalties and Forfeitures, as are laid upon those that pay not their Duties or Rent for Castleward at their days. *Anno 32 Hen. 8. cap. 48.* *Baston* hath it in a general signification. *Lib. 5. tract. 3. cap. 1. num. 8.* and *Eleta, lib. 6. cap. 3.*

Surbepoz (*Supervisor*) Is compounded of two French words, *Sur*, *i.* *Super*, and *Voir*, *i.* *Cernere, intueri*) Signifies one that hath the over-seeing, or care of some great persons Lands or Works. As the Surveyor-General of the Kings Mannors. *Cromp Jurisd. fol. 106.* And, in this signification, it is taken *Anno 33 Hen. 8. cap. 39.* where there is a Court of Surveyors erected.

Surbepoz of the Kings Exchange (*An. 9 Hen. 5. stat. 2. cap. 4.*) Was an Officer, whose name seems in these days to be changed into some other; or the Office it self (being very ancient, legal, and profitable for the Commonwealth) disfused.

Surbiboz (from the Fr. *Survive, i. Super-eſſe*) Signifies the longer liver of two Joyn-tenants. See *Brook, tit. Joyn-tenants, fol. 33.* or of any two joyned in the right of any thing.

Suskyn. See *Galli halfpence*.

Suspense or Suspension (*Suspensio*) Is a Temporal stop or hanging up, as it were, of a

Mans right; as when a Seignory, Rent, &c. by reason of the Unity of Possession thereof; and of the Land, out of which they issue, are not in esse for a time, & tunc dormiant, but may be revived or awaked, and differs from *Extinguishment*, which dies for ever. *Coke on Littl. lib. 3. cap. 10. sett. 559.* *Brook, tit. Extinguishment and Suspension, fol. 314.* **Suspension**, Is also sometimes used by us, as it is in the Cannon Law, *Pro minori Excommunicatione, Anno 24 Hen. 8. cap. 12.*

Suspiral (from the Lat. *Suspirare, i. Duceſſe ſpira*) Seems to be a Spring of Water, passing under the Ground toward a Conduit or Cistern. *Anno 24 Hen. 8. cap. 10.*

Sute. See *Suite*.

Sute-silber, Is a small Rent or sum of Money, which, if paid, does excuse the Freeholders from their appearance at the Court Barons within the Honor of *Clun* in Shropshire.

Swan-heard. See *Kings Swan-heard*.

Swainmote or Swainmote (*Swainmotus*) From the Sax. *Spang, i.* (as we now call our Rusticks) A Country *Swain*, a *Boclandman*, A Freeholder, and *Gemote*, *i.* *Conventus*; (the Sax. *ȝ*, being usually turned into *i* or *y*) signifies a Court touching matters of the Forest, kept by the Charter of the Forest thrice in the year, before the *Verderors*, as Judges. *Anno 3 Hen. 8. cap. 18.* What things are inquirable in the same you may read in *Cromp. Jurisd. fol. 180.* And is as incident to a Forest, as a Court of Piepowder to a Fair. See *Lambers Explication of Saxon words, verbo, Conventus.* — *Nulum Swainmotum de cetero teneatur in Regno nostro, nisi ter in Anno, viz. In Principio quindecim dierum ante Festum Sancti Michael. Sc. Circa Festum S. Martini, & initio quindecim dierum ante Festum Sancti Johannis Baptiste, Sc. Charta de Foresta tam Regis Johan. quam Hen. 3. cap. 9.* See 4 *Inſt. fol. 289.*

Swarf-money. The *Swarf-money* is one penny half-penny, it must be paid before the rising of the Sun, the party must go thrice about the *Croft*, and say the *Swarf-money*, and then take witness, and lay it in the hole; and when ye have so done, loo well that your witness do not deceive you; for if it be not paid, ye gibe a great forfeiture xxx s. and a *White Bull*. This Exposition was found in an old MS. containing the Rents due to the *Catesbies* in *Lodbroke*, and other places in *Warwickshire*. But conceived to be mistaken for, or to signify the same with *Wartb-money*. See *Ward-penny*.

Sweapege. (*Coke on Littl. fol. 4. b.*) Is the crop of Hay got in a Meadow, called also the *Swepe* in some parts of England.

Swoling or Sulung of Land (*Sulings, Sulings, vel Swolinga terra*), Sax. *Sulung*, from *sul vel sulh, i. Aratrum*, as to this day in our Western Parts, a Plough is called a *Sul*, and a Plough-staff, a *Sul-paddle*) Is the same with *Carucata terra*, that is, as much as one Plough can Till in a year; a *Hide of Land*,

others say it is *Quantitas incerta*. — *Dedit etiam idem inclusus Rex Willielmus* (Conqueror) *etdem Ecclesia de Bello in Cantia, Regale Manerium, quod vocatur Wy, cum omnibus appendicis suis septem Swolingarum, id est, Hidaram, ex sua Dominica Corona, cum omnibus libertatibus, & regalibus consuetudinibus, &c.* Rentale MS. de Wy tempore Ven. Patr. Tho. Ludlowe Abbatis, fol. r. — *Terram trium aratorum, quam Canisiani Anglice dicunt Thre Swolings.* Carta perpetuata Eccles. Cantuar. de qua vide Somnerum in Antiquitat. loci, pag. 211.

Syb and **Som** (Sax.) *Pax & Securitas.* — *Eallum Episcenum Mammum Syb & som gemine, id est,* — *Omnibus Christianis Pax & securitas communis esto.* LL. Eccles. Canuti Regis, cap. 17.

Sylva Cadua (Lat.) Wood under Twenty years growth : Coppice-wood. See the Stat. 43 Edw. 3. cap. 3. It is otherwise called *Subbois*. 2 Inst. fol. 642.

Synod (*Synodus*) A Meeting or Assembly of Ecclesiastical Persons for the Cause of Religion ; of which, there are four kindes. 1. *A General, Occumental, or Universal Synod or Council*, where Bishops, &c. of all Nations meet. 2. *National Synod*, where those of one only Nation meet. 3. *A Provincial Synod*, where Ecclesiastical Persons of one only Province meet. 4. *Diocesan Synod*, where those of but one Diocese meet. See *Convocation*: Which is the same thing with a *Synod* ; this being a Greek, that a Latin word.

Synodal (*Synodale*) Is a Cense or Tribute in Money paid to the Bishop, or Arch-deacon by the Inferior Clergy at Easter Visitation ; and it is called *Synodale* or *Synodaticum*, *Quia in Synodo frequentius dabatur*. The Impropriation of Derehurst in Com. Gloc. pays yearly vii s. ix d. *Pro Synodalibus & Procurationibus*. Pat. 20 July, 34 Hen. 8. — *Et quod sint quieti a Synodalibus, & ab omni Episcopali consuetudine, excepto denario Beati Petri.* Mon. Angl. 2 Par. fol. 276. b. See *Historical Discourse of Procurations and Synodals*, pag. 66. & 98. These are called otherwise *Synodes* in the Statute of 34 Hen. 8. cap. 16. Yet in the Statute of 25 Hen. 8. cap. 19. *Synodals Provincial* seem to signifie the Canons or Constitutions of a Provincial *Synod*. And sometimes *Synodale* is used for the *Synod* it self.

T.

T. Every Person convict of any other Felony (save Murder) and admitted to the benefit of his Clergy, shall be marked with a T. upon the Brawn of the Left Thumb. Anno 4 Hen. 7. cap. 13.

Tabellion (*Tabellio*) A Notary Publick or Scrivener, allowed by Authority to Engros

and Register private Contracts and Obligations : His Office in some Countreys did formerly differ from that of *Notary*, but now they are grown, or made one. *Quoniam Tabellionum usus in Regno Angliae non habetur, propter quod magis ad Sigilla authenticâ credi est necesse, ut corum copia faciliter habeatur, statuimus ut Sigillum habeant non solum Archiepiscopi & Episcopi, sed eorum officiales.* Matth. Paris, fol. 454. de Anno 1236.

Tabling of Fines. Is the making a Table for every County where His Majesties Writ runs, containing the Contents of every Fine, passed in any one Term, as the name of the County, Towns, and places, wherein the Lands or Tenements lie, the name of the Demandant and Deforcent, and of every Mannor named in the Fine. This is properly to be done by the Chirographer of Fines of the *Common Pleas*, who every day of the next Term, after the ingrossing any such Fine, does fix every of the said Tables, in some open place of the said Court, during its sitting. And the Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, fair written in Parchment, a perfect content of the Table, so made for that Shire in the Term next before the Assizes, or else between the Term, and the Assizes, to be set up every day of the next Assizes in some open place of the Court, where the Justices sit, to continue there so long as they shall sit, &c. If either the Chirographer or Sheriff fail herein, he forfeits 5 l. And the Chirographers Fee for every such Tabling is 4 d. Anno 22 Eliz. cap. 3.

Tail (Fr. *Taille, i. Scutura*) Signifies two things, grounded upon one reason. (*Plowden, Casu Willson. fol. 251.*) First, it is used for the Fee, which is opposite to Fee-simple, by reason it is so minced (as it were) or pared, that it is not in the owners free power to dispose, but is by the first giver cut or divided from all others, and tied to the issue of the Donee. *Coke, lib. 4. in Promo. And this limitation or Tail is either General or Special.*

Tail General, Is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten, and it is *General*, because how many Women soever the Tenant, holding by this title, shall take to his Wives one after another, his issue by them all have a possibility to inherit one after another.

Tail Special, Is that whereby Lands or Tenements are limited to a Man and his Wife, and the Heirs of their two bodies begotten ; because, if the Man bury his Wife, before issue, and take another, the issue by his second Wife cannot inherit the Land. Also, if Land be given to A. and his Wife B. and to their Son C. for ever ; this is *Tail Special*. See *Fee*, and *Litt. lib. 1. cap. 2. and New Book of Entries, zero Tail.*

Tail, in the other signification, is that we vulgarly call a *Talley* : For, *Une Taille de Bois* is a cloven peice of Wood to nick up an account upon : For in the Stat. 10 Edw. 1. cap. 11. it

it is termed a *Tail*; and so in *Brooks Abridg.* tit. *Tail d'Exchequer*, fol. 247.

Tailles (*Talies*) Are in these days called *Tailles*, explicated before: Of these we read in our Statutes two sorts, long used in the *Exchequer*. The one *Tailles of Debt* (*Anno 1 Rich. 2. cap. 5.*) which are a kinde of Acquittance for Debt paid to the King. For example, the University of Cambridge pays yearly 10 l. for such things as are by their Charter granted them in Fee-farm, 5 l. at the *Annunciation*, and 5 l. at *Michacmas*. He that pays these, receives at each day a *Tail* or *Talley* for his discharge; with both which, or notes of them, he repairs to the Clerk of the Pipes Office, and there in stead of them receives an Acquittance in Parchment for his full discharge. The other, *Tails of Reward*, (mentioned *Anno 27 Hen. 8. cap. 11.* and in other Statutes) which seem to be *Tails* or *Tailles* of allowances or recompence made to Sheriffs, for such Matters, as (to their charge) they have performed in their Office, or for such Moneys as they, by course, have cast upon them in their accounts, but cannot levy, &c. See *Anno 2 & 3 Edw. 6. cap. 4.*

There are also *Tailles* of Debt used among Subjects. —*Et si creditor habeat Tallean, oportet creditorem probare illam per concicinos suos vel per alios, per quorum fidelitatem Balivi & alii presentes illo tempore in Curia noticiam habere possunt, & si Creditor petat debitum per vocem suam simplicem, tunc debitor potest esse ad suam legem manifestatam.* MS. Codex de LL. Statutis, &c. Burgivillæ Mountgomer. a Temp. Hen. 2.

Tallage. See *Tallage*.

Taint (*Attinctus*, Fr. *Taint*, i. *Infectus*, *Tintus*) Signifies either a Conviction; or a person convict of Felony or Treason, &c. See *Attint*.

Tales (a Latin word of known signification) Is used for a supply of Men, impanelled on a Jury or Enquest, and not appearing, or at their appearance, challenged by either party, as not indifferent; in which case, the Judge upon motion grants a supply to be made by the Sheriff of one or more such there present, equal in reputation to those that were empanelled. Whereupon the very act of supplying is called a *Tales de Circumstantibus*. But he that hath had one *Tales*, either upon default or challenge may not have another to contain so many as the former: For the first *Tales* must be under the principal *Pannel*, except in a Cause of Appeal, and so every *Tales* less then other, until the number be made up of such as are without exception: Yet you may finde some exceptions to this general Rule in *Stamf. Pl. Cor. lib. 3. cap. 5.* These commonly called *Tales* may in some sort, and indeed are called *Melières*, viz. When the whole Jury is challenged, as appears by *Brook*, tit. *Otto tales & alter tales*, fol. 105.

Tales, Is also the name of a Book in the Kings Bench Office (*Coke, lib. 4. fol. 93. b.*) Of such Jury-men as were of the *Tales*.

Tallage (*Tallagium*) From the Fr. *Taille*, which originally signifies a peice cut out of the whole, and metaphorically a share of a Mans substance paid by way of Tribute, Toll, or Tax. Stat. *De Tallagio non concedendo. Tempore Edw. 1.* And *Stow's Annals*, pag. 445. Thence comes *Tailaigers* in Chawcer for Tax or Toll-gatherers. See *Subsidy*. These *Tallages* were anciently called *Cuttingo*, which word is still retained in *Ireland*, in a not much different sense. *Tallage* (says Sir Edward Coke) is a general word, and includes all *Taxes*. 2 *Instit.* fol. 532.

Talleys. See *Tailles*.

Talshide or **Talwood**, (*Taliatura*) Is Fire-wood, cleit and cut into Billers of a certain length. *Anno 34 E 35 Hen. 8. cap. 3.* and *An. 7 Edw. 6. cap. 7.* **Ebery Talshide marked offe**, being round booded, shall contain sixteen inches of Asise in compass, &c. *Anno 43 E. liz. cap. 14.*

Tangier, An ancient City of *Barbary*, lying within the Kingdom of *Fesse*, and distant from the *Streights* about Thirty Miles; mentioned in the Statute of *15 Car. 2 cap. 7.* And is now part of the Dominion belonging to the Crown of England.

Tanistry, Is a Law, Tenure, or Custom in some parts of *Ireland*; of which thus, Sir John Davies in his Reports, fol. 28. b. *Quant ascum persun morust seise des ascuns Castles, Mannors, terres ou tenemens del nature & tenure de Tanistry, que donques mesme les Castles, &c. docnt descender, & de temps dont memory ne court ont usc de descender Seniori & dignissimo viro sanguinis & cognominis de tel persun issint morant seise, & que le file ou le files de tel persun issint morant seise de tous temps avandit, ne fueront inheritables de tiels terres ou tenemens, ou de ascun part de eux.* The name seems to be derived a *Thans*. See *Sir James Wares Antiquities Hibernia*, pag. 38.

Tappa. See *Bofinnus*.

Tare and **Tret**. The first is the weight of Box, Straw, Cloaths, &c. wherein Goods are packed. The other is a consideration allowed in the weight for warr, in emptying and reselling the Goods. *Book of Rates*.

Tasels, Is a kinde of hard Bur used by Cloathiers and Cloath-workers in the dressing of Cloth. *Anno 4 Edw. 4. cap. 1.*

Tassum, A Mow or Heap; from the Fr. *Tasser*, to heap or pile up. *Commissio facta fuit Roberto Hadham ad rendend. blada & alia bona diversarum Abbatiarum alienigenarum, qui venit & cognovis quod vendidit blada Prioris de Tickford in garbis in duabus Tassis existent. pro 10 l. sc. Hill. 25 Edw. 3. Coram Rege. Rot. 13.*

Tax (*Taxa*, from the Gr. *τάξις*, *Quod non solum ordinem, sed & modum ratione temperatum significat, atque ob id etiam taxationem & tributum, unde τάξιον dicuntur qui tributum imponunt*) Was such a Tribute, as being certainly rated on every Town, was wont to be yearly paid, but now not without consent in Parliament,

ment, as the *Subsidy* is. And it differs from *Subsidy* in this, that it is always certain, according as it is set down in the *Exchequer Book*, and levied in general of every Town, and not particularly of every Man. It is also called a *Fifteenth*, *Anno 14 Edw. 3. stat. 1. cap. 20.* and *9 Hen. 4. cap. 7.* It seems, that in ancient time, this *Tax* was imposed by the King at His pleasure, but *Edward the First* bound Himself and His Successors from that time forward, not to levy it, but by consent of the Realm. *Anno 25 Edw. 1. cap. 5.* See *Gild*, *Subsidy*, and *Fifteenth*.

Taxatio bladoquinum, An Imposition on Corn.

Taxers, Two Officers yearly chosen in Cambridge, to see the true gage of all Weights and Measures: The name took beginning from *Taxing* or Rating the Rents of Houses, which was anciently the duty of their Office.

Tea (*Anno 12 Car. 2. cap. 15.*) Is a kinde of potable liquor, lately introduced in England from China, and the East Indies, and is made of the Leaf of a Shrub, growing in those parts.

Team and Theame, or Tem and Theme (from the Sax. *Tymen*, i. *Propagare*, to team, or bring forth) Signifies a Royalty granted by the Kings Charter to the Lord of a Mannor, for the having, restraining and judging Bondmen, Neifs, and Villains, with their Childrens Goods and Chattels in His Court.

Tunc est, quod habeatis totam generationem villanorum vestrorum, cum eorum scellis & catallis ubicunque inventi fuerint in Anglia. — *Quis autem jurisdictionem habent hujusmodi, curiam de Theame*, i. *De nativis vel servis, dicuntur habere*, in qua olim licuit inter ceteros cognoscere de statu rassalli sui, utrum liber esset an servus. *Anonymous in MS. Theame* (says the Learned Spelman) in the Laws of *Edw. Conf. cap. 21. & 25.* Significare videtur jurisdictionem cognoscendi in Curia sua de advectionibus, sive interitiis, hoc est, de vocatis ad Warransam. See *Glanvile, lib. 5. cap. 2.* And *Glossarium in x. Scriptores.*

Them, i. Quod Prior habet totam generationem Villanorum suorum, cum eorum scella & catallis ubicunque in Anglia inventa fuerint. Ex Registro Priorat. de Cokesford.

Teinland (*Tainland*) Tainland, Teimland vel Thainland, quasi terra Thani vel nobilis. pen. i. Minister & Landa, i. terra. Breve Regis Willielmi junioris lib. Rames. fct. 178.

— *Willielmus Rex Anglia W. de Cabaniis salutem. Præcipio tibi ut facias convenire fibram de Hamtona, & judicio ejus cognosc si terra de Isthm reddidit firmam Monachis Sancti Benedicti tempore Patri mei ; & sita invent. fuerit, sit in Dominio Abbatis. Si vero Teinlanda tunc fuisse inventetur, qui eam teneat de Abbat, tenet & recognoscat, quod si noluerit, eam Abbas in Dominis habeat, & vide ne clamor inde con-*

plius ad nos redeat. Teste W. Episc. Dunelm. Where *Teinlanda* seems to signifie, Terra hereditaria & colonorum servituti non obnoxia. In *Domesday*, Land holden by Knights-service was called *Tainland*, and Land holden by Soccage, *Nebeland*. *Coke on Littl. fct. 117.*

Teirg, Is the third part of a Pipe, viz. Forty two Gallons. See *Tierce*.

Teller, Is an Officer in the *Exchequer*, of which there are four, whose office is to receive all Moneys due to the King, and to give the Clerk of the Pell a Bill to charge him therewith. They also pay to all persons any Money payable by the King, by Warrant from the Auditor of the Receipt, and make weekly and yearly Books, both of their Receipts and Payments, which they deliver to the Lord Treasurer.

Telonium. See *Thelonium*.

Templars, or Knights of the Temple (*Templarii*) Was a Religious Order of Knight-hood, instituted about the year 1119. and so called, because they dwelt in a part of the Buildings belonging to the Temple at Jerusalem, and not far from the Sepulchre of our Lord: They entertained Christian-strangers and Pilgrims charitably, and in their armor led them through the Holy Land, to view the Sacred Monuments of Christianity, without fear of Infidels. This Order continuing and increasing for near Two hundred years, was far spred in Christendom, and particularly here in England. But at length some of them at Jerusalem, falling away (as some Authors report) to the Saracens from Christianity, or rather because they grew too potent, the whole Order was suppressed by *Clemens Quintus, Anno 1309.* And by the Council of Vienna, 1312. And their substance given, partly to the Knights of Saint Johns of Jerusalem, and partly to other Religious. *Cassan. de gloria mundi, par. 9. Confid. 5.* And see *Anno 1 Edw. 1. cap. 24.* These flourished here in England from Henry the Second's days, till they were suppressed. They had in every Nation, a particular Governor, whom *Braeton, lib. 1. cap. 10.* calls *Magistrum Militie Templi*. The Master of the *Temple* here was summoned to Parliament, 49 Hen. 3. m. 11. in *Schedula*. And the cheif Minister of the *Temple-Church* in London is still called *Master of the Temple*. Of these Knights, read Mr. *Dugdale's Antiquities of Warwickshire*, fol. 706. In ancient Records, they were also called *Frates Militie Templi Solomonis. Mon. Engl. 2 par. fol. 554. b.*

Tempozalties of Bishops (*Temporalia Episcoporum*) Are such Revenues, Lands, Tenements, and Lay-Fees, as have been laid to Bishops Sees, by Kings, and other great Personages of this Land, from time to time, as they are Barons of Parliament. See *Spiritualites o. Tempozalties*.

Tempus pinguedinis & firmationis: — *Et sciendum quod Tempus pinguedinis sic computatur*

computatur inter Festum Beati Petri ad Vincula & Exaltationem Sancte Crucis: Et Tempus firmacionis inter Festum S. Martini & Purificacionem Beatae Mariae. MS. Penes Gul. Dugdale Ann de Temp. Hen. 3. The first is the season of the Buck, the later of the Doe. See Fermis.

Tenancies (Anno 23 Eliz. cap. 4.) Are Homes for habitation, Tenements, or places to live in, held of another.

Edwardus illustris Regis Angliae primo genitus omnibus, &c. Salutem & amorem. Sciatiss quod dedimus & assignavimus in Tenenciam dilecto & fideli nostro Yvoni Paunum omnes terras cum suis iuribus & personis que fuerunt Hugonis Bedelli inimici nostri in Villa de Ashele. Tenendas ad nostrae beneficium voluntatis, nisi aliquis qui nobiscum personaliter interfuerit in confictu apud Evesham, quarto die Augusti, manus prius posuerit ad easdem. Et ideo vobis mandamus, &c. Dat. Cestriae 14 Augusti, Anno Regni Domini Regis Patris nostri 49.

Tend. Seems to signifie as much as to endeavor, offer, or shew forth; as to tend the estate of the party of the Demandant. Old Nat. Br. fol. 123. b. To tend an Averment. Britton, cap. 76.

Tender (Fr. Tendre) Signifies earefully to offer, or circumspectly to endeavor the performance of any thing belonging to us; as to tender Rent, is to offer it at the time and place, where and when it ought to be paid. To tender his Law of Non Summons (Kitchin, fol. 197.), is to offer himself ready to make his Law, whereby to prove, that he was not summoned. See Law, see Make.

Tenementis Legatis, Is a Writ that lies to London, or other Corporation, (where the Custom is, that Men may demise Tenements, as well as Goods and Chattels by their Last Will) for the hearing any Controversie touching the same, and for rectifying the wrong. Reg. of Writs, fol. 244. b.

Tenant or Tenant (Tenens) Signifies him that holds or possessest Lands or Tenements by any kind of Right, be it in Fee, for Life, Years, or at Will. **Tenant in Dower,** is she that possessest Land by virtue of her Dower. Kitchin, fol. 160. **Tenant by Statute Merchant,** that holds Land by virtue of a Statute forfeited to him. **Tenant in Franc-marriage** (Idem, fol. 158.) that holds Land by virtue of a Gift thereof, made to him upon marriage. **Tenant by the Curtesy,** that holds for his life, by reason of a Childe born alive, and begotten by him of his Wife, being an Inheritrix. **Tenant per Elegit,** that holds by virtue of the Writ Elegit. **Tenant in Morgage,** that holds by virtue of a Morgage. **Tenant by the Verge in Ancient Demesne** (Kitchin, fol. 81.) is he that is admitted by the Rad in a Court of Ancient Demesne. **Tenant by Copy of Court Roll,** is one admitted Tenant of any Lands, &c. within a Mannor, which time out or minde have been demisable,

according to the Custom of the Mannor. **Writ.** Par. 1. symbol. lib. 2. sect. 6. 46. **Tenant by Charter,** is he that holds by Feoffment, or other Deed in Writing. **Very Tenant,** that holds immediatly of his Lord; for if there be Lord, Mesn, and Tenant, the Tenant is *Very Tenant to the Mesn*, and not to the Lord above. **Kitchin, fol. 99.** **Tenant Paravall,** see Paravall. **Joynants,** that have equal Right in Lands, by vertue of one Title. **Laws,** lib. 2. cap. 3. **Tenants in Common,** that have equal right, but hold by divers Titles. **Particular Tenant,** **Stamp. Pro rog.** fol. 23. 45 he who holds jointly for his term. See Coke in Sir Will. Pelhams Case, Liber folia 5; called also Tenant for Life or Years. See Plevden, Casu, Colthirst, fol. 23. b. **Sole Tenant,** Kitchin, fol. 134. he that hath no other joyned with him. **Several Tenant** is opposit to Joynant tenant or Tenant in Common. **Tenant at Precepe,** is he against whom the Writ Precepe is brought. Coke, lib. 3. **Case of Fines,** fol. 83. **Tenant in Demesne** (Anno 13 Edw. 1. cap. 9) is he that holds the Demesnes of a Mannor for a Rent without Service. **Tenant in Service** (An. 20 Edw. 1. stat. 1) is he that holds by Service. See Britton, cap. 39 & 96. **Tenant by Execution** (Anno 32 Hen. 8. cap. 5.) is he that holds Land by vertue of an Execution upon any Statute, Recoguiance, &c. **Tenant in Fee-simple** (Kitchin, fol. 150.) **Tenant in Fee-tail.** Tenant at the Will of the Lord, according to the Custom of the Mannor. **Tenant at Will** by the Common Law. **Idem,** fol. 165. **Tenant upon Sufferance.** **Tenant of Estate of Inheritance.** **Stamp. Pro rog.** fol. 5. **Tenant in Burgage.** **Tenant in Soccage.** **Tenant in Franck-fee,** &c. with divers others.

Tenement (*Tenementum*) Signifies most properly a House or Homestal, but in a larger sense it is taken, either for House or Land that a Man holds of another; and joyned with the Adjective *Frank*, it contains generally Lands, Houses, or Offices, wherein we have Estate for Life, or in Fee. For Kitchin, fol. 41. makes Frank-tenement, and base Estate, opposit; and in the same sense Britton uses it, Chap. 27.

Tenhebed (Sax. *Tienheoped*, i. *Decem habens capita*) **Decanus,** **Decenarius,** **capus vel princeps Decanariae** decuria. LL. Edw. Confess. cap. 29. **Statutarum Justiciarios super quosq[ue] decem fratriborgos, quos Decanos possimus appellare;** *An-* glie vero *Tienheopod* *sicuti sunt.*

Tenentibus in Alissa non onerandis, &c. Is a Writ that lies for him to whom a Disseisor hath alienated the Land, whereof he disseised another; that he be not molested for the damages Awarded, if the Disseisor have wherewith to satisfie them himself. Reg. of Writs, fol. 214. b.

Tennantale (Sax. *Tienmantale*, i. *Sermo decem hominum, vel deceniorum numerus*) **Decuria,** *Tibbinga.* LL. Edw. Conf. cap. 20. — **Et sint quieti de Geldis, & Danegeldis, & Themantale, & Concelationibus, & Scottis, &c.** Cart.

29 Edw. I. n. 25. Abbat de Thornton. See *Friburgh*.

Tenore indictamenti mittendo. Is a Writ whereby the Record of an Inditement, and the Process thereupon, is call'd out of another Court into the Chancery. *Reg. of Writs*, fo. 169. A writ levie brok into two parts.

Tenth, (*Decima*) Is that yearly portion of Tribute, which all Livings Ecclesiastical yeild to the King: For, though the Bishop of Rome does originally pretend right to this Revenue, by example of the High-Priest among the Jews, who had Tenth from the Levites. Num. ca. 8. Hieron. in Ezech. yet we read in our Chronicals, that these were often granted to the King by the Pope, upon divers occasions, sometimes for one year, sometimes for more, until, by the Statute 26 Hen. 8. ca. 3. they were annexed perpetually to the Crown. See *Disms*. It signifies also a Tax levied of the Temporality. 4 Inst. fo. 34.

Tentor. A stretcher, tryer or prover, which Dyers and Clothiers used. *Anno 1 Rich. 3. ca. 8.* But prohibited by the Stat. 39 Eliz. ca. 20.

Tenure, (*Tenura*) Is the manner whereby Tenants hold Lands and Tenements of their Lords. What makes a *Tenure*, and what not, see *Perkins Reservations* 70; where you shall find most of those *Tenures* recited, which are now in England. See *Crampton's Jurisd.* fo. 200. *New Book of Entries*, verbo *Tenure*. Mr. Fabian Philips Book, entituled *Tenenda non Tollenda*; and the Stat. 12 Car. 2. ca. 24. The Family of Barnbams hold the Mammor of *Nether Bilington* in the County of Kent, by this *tenure*; to carry the last Dish of the second Course to the Kings Table at His Coronation, and presenting Him with three *Maple-cups*, which was performed at the Coronation of King Charles the Second.

Term, (*Terminus*) Signifies commonly the bounds and limitation of time; as a Lease for term of Life or Years. *Bacon*, lib. 2. ca. 6. n. 4. But most notoriously it is used for that time, wherein the Tribunals or places of Judgment are open for all that lift to complain of wrong, or to seek their right by course of Law or Action. The rest of the year is called *Vacation*. Of these *Terms* there are four in every year, during which time matters of Justice are dispatch'd. One is *Hilary Term*, which begins the 23d of *January*, or, if that be Sunday, the next day following, and ends the twelfth of *February*: The next is *Easter Term*, which begins the *Wednesday* fortnight after *Easter-day*, and ends the *Munday* next after *Ascension-day*. The third is *Trinity Term*, beginning the *Friday* next after *Trinity-Sunday*, and ending the *Wednesday* fortnight after. The fourth is *Michaelmas-Term*, which anciently began the ninth of *October*, but (by Stat. 17 Car. 1. ca. 6.) contrasted to the 23d of *October*, and ending the 28th of *November*. *Termini apud nos dicuntur certe anni partiones agendis iustis designatae*. See *Spel. de origine & ratione Terminorum forensium*.

Termonland, Seems to be the Gleab-land, or Land of the Church; anciently so called.

Ternoz, (*Tenens ex termino*) Is he that holds for term of years, or life. *Kitchin*, fo. 151. *Litt. fo. 100.*

Terra Wilforata, Land held by the Tenant of paying a Gilly-flowre, MS.

Terra extendenda. Is a Writ directed to the Escheator, &c. willing him to enquire and find out the true yearly value of any Land, &c. by the Oath of twelve Men, and to certifie the Extent, into the Chancery, &c. *Reg. of Writs*, fo. 193. b.

Terra frusca. — *Continens s. & arva terræ frusca, pasta, &c.* Mon. Angl. 2. Par. fo. 32. b. Fresh-land, or such as hath not been lately plow-ed. This is elsewhere written *Terra frasca*.

Terra nobis. *Sepe legitur in Charters feodalibus & in sensibus schedulis, vel prout terra no-river concessa, vel in viter assarta.* Prior. Lew. par. 1. — *Reddat prout terra 2 sol.* Specm.

Terra bestita, Is used in ancient Charters, for Land sown with Corn.

Terra fabulosa. (*Lat.*) Gravelly, or grosse-sandy land. — *Et pradicta xxxiii. acra terra valent per ann. xiiii. sol. & iv denar. Unde plus, quia est terra fabulosa.* Inq. 10 Ed. 2. n. 3. Norf. in Turr. Lond.

Terra puturata. See *Putura*.

Terra lucrabilis. — *Tan in Mora, quam in terra lucrabilis & Marais, cum omnibus pescariis suis.* Mon. Angl. 1. Par. fo. 426. a. Land that may be gained from the Sea, or inclosed out of a West, to particular use.

Terra excultabilis; — *Totam illam terram excultabilem, quam habent apud Norwicium in Campus.* Mon. Angl. 1. Par. fo. 426. b. Land that may be till'd or plow'd.

Terra culta, Land that is Till'd, or manured; and *terra inculta*, the contrary, see *Wacnuth*.

Terrage, (*Terragium*, vel *Catalogus terrarum*) Edward the Third granted by Patent to John of Gaunt and Blanch his Lady, for their lives, — *quod sunt quieti de Tholenio, Savagio, Passagio, Lastagio, Tallagio, Carvagio, Prifagio, Pickagio & Terrago;* which seems to be an exemption, a *Pracariss*, viz. Boons of Plowing, Reaping, &c. and perhaps from all Land-Taxes.

Terrar, (*Terrarium, vel Catalogus terrarum*) Is a Book, Survey, or Land-Roll, wherein the several Lands, either of a single person, or of a Town are described; containing the quantity of Acres, boundaries, Tenants names, and such like. *Anno 18 Eliz. ca. 17.* In the Exchequer there is a *Terrar* of all the Glebe-lands in England made about 11 Edw. 3.

Terris, bonis & catallis rehabendis post purgationem, is a Writ that lies for a Clerk, to recover his Lands, Goods, or Chattels formerly seized on, after he has clear'd himself of that Felony, upon suspition whereof he was formerly convict, and deliver'd to his Ordinary to be purg'd. *Reg. of Writs*, fo. 68. b.

Terris

Terris liberandis. Is a Writ, that lies for a Man convicted by attainant, to bring the Record and Process before the King, and to take a Fine for his Imprisonment, and to deliver him his lands and Tenements again, and to release him of the Strip and Waite. *Reg. of Writs*, fo. 232. a.

Terris & catallis tentis ultra debitum lebatum. Is a Writ Judicial, for the restoring Lands or Goods to a Debtor that is distreined above the quantity of the Debt. *Reg. Jud.* fo. 28. b.

Terre tenant. (*Terra tenens*) Is he who has the natural and actual possession of the Land, which we otherwise call the *Occupation*. *Anno 39 Eliz. ca. 7.* For example, a Lord of a Manor has a Freeholder, who lets out his free-land to another, this other (having the actual possession) is called the *Terre-tenant*. *West. Part 2. Symb. S. Fines. Sect. 137. Cromp. Jurisd. fo. 194. Britton. ca. 29. Perkins Ecclomnius*, 231.

Ters. See *Tierce*.

Tertian. A Measure, containing fourscore and four Gallons. *Anno 1 Rich. 3. ca. 13. & 2 Hen. 6. ca. 11.* So called, because it is the third part of a Tun.

Tertium denarium. See *Third-penny*.

Testament. (*Testamentum*) What it is in the common signification see in *Will*. It was anciently used (according to *Spelman*) *pro Scripto, charta vel instrumento, quo praeiorum rerum aliarum transactio[n]es perficiuntur: sic dictum quod de ea re vel testimonium ferret, vel testium nomina contineret.* — *siquis contra hoc mea autoritatem Testamentum aliquod machinari impedimentum presumperit, &c.* *Charita fundationis Croylandie ab Ethelbaldo Rege, Anno Dom. 716.*

Testator. (*Lat.*) He that makes a *Testament*. See *Swinborn of Wills and Testaments*, and see *Will*.

Tessiatum. Is a Writ, in personal Actions; As if the Defendant cannot be arrested upon a *Capias* in the County where the Action is laid, but is returned *non est inventus* by the Sheriff; This Writ shall be sent out into any other County, where such person is thought to have whence to satisfy; which is termed a *Tessiatum*; because the Sheriff has formerly testified, that the Defendant was not to be found in his *Ballywic*. See *Kitchens return of Writs*, fo. 287. b.

Teste, Is a word commonly used in the last part of every Writ, wherein the date is contained, which begins with these words, *Teste me ipso, &c.* if it be an original Writ, or if judicial, *Teste Joh. Kocling Milite or Iohanne Vaughan Mil.* according to the Court, whence it comes. Yet we read in *Glanvile*, (lib. 1. ca. 6. & 13. & lib. 2. ca. 4.) The last Clause of an Original Writ to be *Teste Radulpho de Glanvilla apud Clarendon, &c.* and divers times in the *Reg. of Writs*, *Teste Custode Angliae*, as namely in the *Title Prohibition*, fo. 42. a. & *Consultation*, fo. 54. b.

Testimonial. (*Anno 39 Eliz. 17.*) Is a Certificate under the hand of Justice of Peace,

tisfying the place and time, when and where a Soldier or Mariner landed, and the place of his dwelling and birth, unto which he is to pass, &c. or such like; *3 Inst. fo. 39.*

Telson. (*Anno 2 & 3 Ed. 6. ca. 17.*) A sort of Money, which, among the French, did bear the value of 18 Denar, and so perhaps formerly in England; but, in Henry the Eighth's time, being made of Brass, lightly gilt with Silver; it was reduced to 12 d., and, in the beginning of Edward the Sixth to 9 d., afterwards to 6 d.

Thack-tile. (*Anno 17 Edw. 4. ca. 4.* otherwise called *Plain-tiles*, which are laid on the fide of a House.

Thanage of the King. (*Thanagium Regis*) Signifieth a certain part of the Kings Lands, or Property, whereof the Ruler or Governor was called *Thane*. *Domania Regis*, and *Thanagia idem significant*, *Sayes Skene*.

Thane, or Thegn (*Ibanus*, from th' Saxon *gegen*) Signifies sometimes a Nobleman, sometimes a Free-man, sometimes a Magistrate, but more properly an Officer, or Minister of the King. This appellation was in use among us after the Norman Conquest, as appears by *Domesday*, and by a certain Writ of *William the First*, *Willielmus Rex salutat Hermannum Episcopum, & Stevnunum & Britw. & omnes Thanes meos in Dorsestrensi pago amicabiliter*. MS. de Abbotsburi. *Skene* sayes it is the name of a Dignity, equal with that of the Son of an Earl. *Cambden* sayes, They were enabled only by the Office which they administered. See *Mills de Nobilitate*, fo. 132.

Theft. (*Furium*) Is an unlawful Felonious taking away another mans moveable and pernable Goods against the owners will, with an intent to Steal them; which is divided into *Theft*, simply so called; and, *petit Theft*, whereof the one is of Goods above the value of 12 d., and is *Felony*, the other under that value, and is no *Felony*, but called *petit Larceny*. See *Larteny* and *Felony*. *Theft* from the person, or in the presence of the owner, is properly called *Robbery*. See *West*, Part 2. *Symb. Ist. Indictments*, Sect. 58, 59, 60.

Theftbote. (*Sax. heofte, i. Furunt & Bote, compensatio*) est quant' bone prisf chatel de Luvono de lauy fauverne & maintainer & nem⁹ autrement. 42 *Affis*, pa. 5. the receiving goods from a Thief, to the end to favour and maintain him, the punishment whereof is ransom and imprisonment, and not loss of life or Member. *Statut. Pl. Cor. lib. 1. ca. 43.* *Antique dicebatur precium quo furti reus se eximeret & dispensatio iusta; hodie vero de ist⁹ dicitar qui furta bona a latrone suscepint, sceleris sui forendi gratia, quo sensu Bote pro praeda, ut alias sole intelligendum est. In Privilegiorum chartis ubi Theftbote conceditur, intelligitur alias esse emenda furti sine consideratione Curia Domini Regis.* *Theftbote*, (inquit *Statutum Wallie*. *Anno 12 Ed. 1.*) — *hoc est, emenda furti, sine consideratione Curia Domini Regis.* *Spel.* And see 3 *Inst. fo. 134.*

Thelemonium

Thelonium, or Bzebe essendi quietum de Thelonio, Is a Writ lying for the Citizens of any City, or Burghes, of any Town, that have a Charter or Prescription to free them from **Toll**, against the Officers of any Town or Market, who would constrain them to pay **Toll** of their Merchandise, contrary to their laid Grant or Prescription. *Ed.* Nat. Br. fol. 226.

Grant of Recuperation.

The **Thelonio rationabili habendo pgo Domini-
nis habentibus Dominica Regis ad Fir-
mam,** Is a Writ that lies for him that hath of
the Kings Demesn in Fee-farm, to recover
reasonable Toll of the Kings Tenants there; if
his Demesn have been accustomed to be toll'd.
Reg. of Writs, fol. 83. b.

Them. See Team.
Then. Significat seruum. Fletta, lib. i., cap.

Aben, Significat jerdum. Fleta, lib. I. cap.

Benedictum. — Quod Predicē Parochianū
— Decimū in seruio Annotatas Ecclesiis sui
persolvant; scil. Decimam latitū, ovorum, The-
necii agrorum, apum, mellis, &c. Const. Rob.
Winchelſey Archiep. Cant. tit. de Decimis. Ibi
Lindewrode Theneccii agrorum, i. Arborum
crescentium circa agros, pro clausura corum.
Vulgariter called **Hedgerows** or **Pikerows**.

Thewe. Georgius Grey Comes Cantii clausus, in Maner de Bushton & Ayton, punire Delinquentes contra Assiam panis & cervisia per tres vices per Americamenta, & quarta vice pistures per Pilloriam, Braciatores per Tumbrelum, & Rizatrices per Thewe, hoc est ponere eas super scabellum vocat, a Cuckingstool. Pl. in Itin. apud Cestriam, 14 Hen 7. Perhaps from the Sax. beop, a Slave or Captive.

Thingus (Thanus) A Nobleman, a Knight, or Freeman. *Sciatis me concessisse omnibus militibus & omnibus Thingis & omnibus liberis tenentibus, qui manent in Foresta mea de Honore de Lancaster, quod possunt, &c.* Cromp. Jur. fol. 197.

Birdberrow, Is used for a Constable, Anno 28 Hen.8. cap.10. which seems to be corruptly used for the Sax. *fneoborj*, i. *Ingenius fiducijssor*. *Lambert* in his Duty of Constables, pag.6.

Birtings. The third part of the Corn or Grain growing on the Ground at the Tenants death, due to the Lord for a Heriot within a certain Mannor, and Lands belonging to the Chapel of Tufsat in Com. Heref.

Third night aton hynde (*Trium noctium hospitiorum*) By the Laws of S. Edw. (*cap. de Hufissimis*) if any guest lay a **third night** in an Inn, he was accounted a Domestick, and his Host was answerable or what offence he should commit. **Fogman night uncouth.** **Two night gueſſe.** **Third night aton hynde,** i. *Prima noctis incognitus, secunda hospites, tercua domesticus conetur.* Braston, (*lib. 3 tract. 2. cap. 10. num. 2.*) writes it *Doghenehyng pro Agentione*

Item usimur, quod si extranci morantur in Burgo praedito ultra tres dies, invenient fidei-
fussores de bene gerendo se erga Burgenses &

Communitatem, dum moram inter ipsos fecerint.
MS. Codex de LL. Statutis & Consuetud. liberi
Burgi villa Mountgomer. fol. 26. b. See. Vn-
cutb.

Third-peng, Denarius tertius est ea pars
multarum forensiumque molumentum, qua in
comitatu olim cedebat Comiti, Regi alias duas
percipientes. LL. Edw. Conf. cap 31. Rex ha-
bebit 100 solidos. & Consul Comitus 50. qui
tertium habebit. Denarius de fortisfaturis, &c.
And was anciently so fixt and appropriated to
an Earldom, as the Earldom of Oxford, in the
Raign of King Henry the Second, paid by the
Grant of Tertium Denarum Comitatus Oxonie,
ut sit inde Comes. de quo vide Seldens Titles of
Honor.

Thokes (Anno 22 Edw. 4. cap. 2.) Thokes or Fish with broken Bellies ; are not by the said Statute to be mixt or packed with *Tale-fish*.

Thol (*Tholtonium*) Est libertas vendendi & vendendi in terra sua. Arch. Lamb. fol. 132.
Thol. i. Quod Prior habet in Mercato suo die Lune quandam mensuram de bladis venditis, & quoddam certum de animalibus & ceteris similibus venditis. Reg. Priorat. Cokesford. See Toll.

Thorough Toll. — *Boroug* in *Yorkshire*, a little Village, where in times past the Earls of *Richmond* had a pretty Castle, and a certain Custom called *Thorough Toll* (says *Camden*). See *Toll*.

Thrabe of Corn (from the Sax. *thpeaf*, i. a Bundie, or the British *Drefa*, i. Twenty four) Is in most parts of England Twenty four Sheaves, or four Sacks, six Sheaves to the Shock. *Anno 2 Hen.6. cap. 2.* Yet in some Counties they count but Twelve Sheaves to the Thrabe. As in the Case of the Burghes of Derby. —*Hic autem ad Festum Sancti Martini reddebant Regi duodecim Trabes annona.* *Domes.* de Burghensibus Derby. See Peter-Corne

Thimble (from the Sax. *Thym*, *quad ter-*
nos significat) Signified at old a piece of Money
of Three shillings, according to *Lambert*, or
rather (according to *Selden*) the third part of
a shilling. *Ins. Of Honor*, fol. 604. See *Were-*
gild

Thribthing (*Thribthingum*). In the Statute of Merton, signifies a Court which consists of three or four Hundreds. *Cokes 2 Part. Infis. fol.*

Thwover. See **Silkthrewer.**

Thwertynus — **Edwardus, Sc.** — **Con-**
cessimus eisam, quod Vicecomes noster aus kar-
dum nistorum, qui pro tempore fuerit in dicto
Comitatu, de casero faciat executiones pro debitis
recuperatis & recognitis in Comitatu vel Scaccario
Celtria, aut in iutinere Justiciariorum, qui pro
tempore fuerit, absque aliquo capiendo pro ex-
ecutione hujusmodi facienda, licet eisam præteritis
temporibus usum sit, prout per certam habet ipsa
Communitas (scil. Celtrœfice) quod si aliquis
in Curia nostra culpatus fuerit, per **Thwertynus**
se defendere possit; quia hac defensio ei conser-
vatur.

ria legi Communi, nutrix malorum, pacis omula & damnosa populo pacifico. Volumus etiam de consensu & requisitione dicta Communitatit, Ordinamus & praeципimus, quod dicta defensio per Thwertenik de cetero non allocetur, sed annulatur totaliter & damnatur, &c. Rot. Cart. de Anno 11, 12 & 13 Regis Ric. 2. num. 11. per Inspx.

Tidesmen (Anno 14 Car. 2. cap. 11.) Are certain Officers that belong to the Custom-house, and are appointed to watch, or attend upon Ships till the Custom of the freight be paid; and they are so called, because they go aboard the Ships at their arrival in the Mouth of Thames, and come up with the Tide.

Tierce (Fr. Tiers, i. A Third, or third part) A measure of liquid things, as Wine, Oyl, &c. containing the third part of a Pipe, or forty two Gallons. Anno 32 Hen. 8. cap. 14.

Tigh or Leage (Sax. teag) A Close or Enclosure, a Croft. In veteri Charta Ecclesie Cantuar. Clauſula. —Mansionem quoque que est in aquiloniali parte Doroberniz & clauſulam quam Angli dicunt Leage, que pertinet ad predictam mansumem, &c. The word Tigh is still used in Kent in the same sense.

Timber of Skins, Is forty Skins. De quilibet Tymber de Ficcheux venal. ob. Pat. 10 Ric. 2. pars 1. m. 30. Hac civitas (Sc. Cestria) iunc reddebat de firma 45 libras & tres Limbres pellum Martirinarum. LL. Ed. Conf.

Timberlode (Sax. Timbelade) Servitius genus, quo vassallus obligatur materiam sive lignum de silva, ubi prostermitur, ad Domini sui Domum deferre. Gloss. in x. Scripto.

Tieman or Tenman, Was of old a Petty Officer in the Forest, who had the Nocturnal care of Vert and Venison, and other servile employments. Constitution. Foresta Canutii Regis, cap. 4.

Upstaff (Sax. sagol, i. Fustis, Baculus) Is one of the Wardens of the Fleets men, that attends the Kings Courts with a Painted Staff, for the taking such to Ward as are committed by the Court, and to attend such Prisoners as go at large by Licence. These are otherwise called Bastons. Anno 1 Ric. 2. cap. 12. and 5 Eliz. cap. 23.

Tithes (Decima, from the Saxon Teofha, i. The Tenth) Are the Tenth part of all Fruits Predial, Personal, and Mixt, which are due to God, and consequently to his Churches Ministers, for their maintenance. Levit. 27, 30. Omnim bonorum licite quaſitorum quota pars deo, Divina constitutione, debita.

Pasche, i Jac. Rot. 1119. in Communi Banco.

It was resolved,

Q uod Decimaruſ tres sunt species, quædam Personales, que debentur ex opere personali, ut Artificio, Scientia, Militia, Negotiatione, &c. Quadam Prædiales, que pro-

veniunt ex prædiis, i. Ex fructibus prædiorum, ut Blada, rizum, fænum, lînum, cannibum, &c. seu ex fructibus arborum, ut Poma, Pyra, Pruna, Volema, Cerasa, & fructus bortorum, &c. quadam Mixta, ut de Caſeo, latte, &c. aut ex fructibus animalium, que sunt in pascuis, & gregagim pascuntur, ut in Agni, Vituli, Hædi, Capreoli, Pullis, &c. Ex Prædiis sunt quadam Majores, quadam Minutæ. Majores, ut frumentum, filigo, zizania, fenum, &c. Minores sive Minutæ, quidam dicunt, sunt qui proveniunt ex menta, aneto, oloribus, & similibus juxta illud dictum Domini, Luc. 11. 42. Viz. qui Decimatis mentam & rutam, &c. Alii dicunt, quod in Anglia confidunt Decima minutæ in lino, qna sunt Prædiales, & Lana, lacte, caseū & in Decimis animalium, agnæ, pullis, & ovisbus; Decima etiam mellis & cerae numerantur inter Minutæ, que sunt Mixta. Vide Lindwood cap. de Decimis.

Laymen (in these later times) taking small occasions to withdraw their Tithes, (as Sir Edward Coke observes, 2 Inst. fol. 648.) the Statutes of 27 Hen. 8. cap. 20. —32 Eisdem, cap. 7. and 2 Edw. 6. cap. 13. were made to enforce the payment thereof; which former times required not, when more was often given, then was either due or demanded, as appears by these, and many other Recorded Donations.

Ego Willielmus de Braosa do & concedo Ecclesia Sanctæ Maria de Bergavenny & Monachis ibidem Deo servientibus, omnem Deciman de Castello de Bergavenny, sc. De Pane, de Vino, de Cervisia, & Sifera, & omni genere potus, de carnibus, de pisibus, de sale, de melle, de cera, de sevo, & omni expensa generaliter, tam parva quam Magna Castelli jam predicti, de Denariis quoquomodo adquisitis & habitis, de placitis, de auxiliis, de prisoriis, de bobis, de vaccis, de porcis, de ovibus, de capris, de equis, & de omnibus rebus, & de omni eventu quoquomodo evenienti jam dicto Castello. Mon. Angl. 1 par. fol. 558. a. Et Decimas omnium proveniunt Placitorum, Tolnetorum, Donorum, Luccorum & reddituum in eorum, & totius paix & potus expense de Castello Breckonia & de Haya. Carta Rogeri Comitis Herefordiæ. Sine Dat.

And anciently many Men were so scrupulously careful in their payment of Tithes, as they at their Death bequeathed a Soul sweat or Soul to their Parish Priest, in lieu of any Tithes forgotten; and at their Funerals caused their best Ox or Horse to be led with the Corps, and, as a Mortuary or Oblation, given to the Priest, in recompence of any Tithes which might be forgotten.

Tithing or Trithing (Tithingum, from the Saxon Teofunge, which signifies Decuriam) Is the number or company of ten men with their Families, cast or knit together in a Society, all being bound to the King for the peaceable behavior of each other. Of these companies there

was one cheif person, who of his office was called **Leothing-man**, at this day in the West parts *Tithingman*, but now he is nothing but a Constable ; for that old discipline of *Tithing* is left long since. *Tithing* is also used for a Court. *Mag. Char.* cap. 25. and *Merton*, cap. 10. See *Cheif-Pledge*, *Frank-Pledge*, *Decennarii*, and *Iritbing*.

Tithing-penny, alias **Lith-penny**, alias **Lithing-penny**. — *Et sunt quieti de The-thing-penny, Lypenny, & de omnibus foris factis quacunque occasione emergerunt, &c.* In Mem. Sac. de Anno 20 Edw. 3. Trin. Rot. 3. *Abbatis & Monachis Rading.* **Tithing-penny**, hoc est quieti de *Tallagio Decenna* five *Tithing per con-structum*. MS. in Bibl. Cotton sub tit. *Vitellius*. C. 9. fol. 221. b.

Tod of Wool, Contains twenty eight pounds, or two Stone ; Mentioned in the Stat. 12 Car. 2. cap. 32. It comes from the Fr. *Toilet*, a Wrapper, within which, by usage, two Stone of Wool is folded. 3 Inst. fol. 96.

Toft (*Toftum*) A Messuage or place where a Meuage hath stood, bat is decayed ; a word much used in Fines. *West*, par. 2. *Symbol.* tit. *Fines*, sc. 26. — *Capitale Toftum & Croftum quod fuit Walteri Paris sui.* Carta Petri de Brus in Bibl. Cotton. *Scites & Tofts.* Anno 22 Car. 2. cap. 11.

Toftman (*Toftmannus*) The owner or possessor of a *Toft*. *Toftmanni similiter operabantur a Sancto Michaeli usque ad autumnum, & in autumno per 6 hebdomadas, unaquaque hebdomade per 2 dies, &c.* *Pri. Lew.* pag. 18. See *Molman*.

Tol (*Tollere*) As it is a Verb, signifies to defeat or take away. Anno 8 Hen. 6. cap. 9. As to *Tol the Entry*, i. To take away the right of Entry

Toll (*Tolnetum vel Theolonium*) Is a Saxon word, and hath two significations. First, It is used for a liberty to buy and sell within the Precincts of a Mannor. Secondly, For a Tribute or Custom paid for Passage, Buying, Selling, &c. *Braeton*, lib. 2. cap. 24. num. 3. interprets it to be a Liberty as well to take, as to be Free from *Toll* (for they who are enfeoffed with *Toll* are Custom-free, (says Skene). *Toll hoc est, quod vos & homines vestri de toto Homagio vestro sint quieti de omnibus mercatis & de Tolneto de omnibus rebus emptis & venditis.* Of this freedom from *Toll*, the City of Coventry boasts of an ancient Charter, granted by *Leofric* (or *Leuiche*) *Merciorum Comes*, who at the importunity of *Godeva*, his virtuous Lady, granted this Freedom to that City ; and in *Richard the Second*, June (according to Mr. *Dugdale* in his Description of *Warwickshire*) the Picture of him and his Lady was set up in the South-Window of *Trinity Church* there, holding in his right hand a Charter, with these words written thereon.

I Leuiche for the lobe of thee,
Do make Coventry *Toll-free*.

Some Authors make mention of *Toll-through*, which is Money paid for passage in, or through some High-ways, or over Ferries, Bridges, &c. *Toll-travers*, for passing over a private Mans Ground, and *Toll-turn*, which is *Toll* paid at the return of Beasts from Fair or Market, though they were not sold. *Pleudien, Casu Willion.* fol. 236. *Kitchin*, fol. 104. By the ancient Law of this Land, the Buyers of Corn or Cattle, in Fairs or Markets ought to pay *Toll* to the Lord of the Market, in testimony of the Contract there lawfully made in open Market, because privy Contracts were held unlawful. *Horns Mirror*, lib. 1.

Tollage (Anno 17 Car. 1. cap. 15.) See *Tallage*.

Tolsester. — *Per Tolsester, clamat esse quiet. de reddend. unum Sextarium Cervisia quod continet xvi. Lagenas, de nova cervisia mensurata, desubtus le Shakclif pro licencia braciandi cervisi per totum annum.* Ex *Rol. Plac. in Iun. apud Cestriam*, 14 Hen. 7. The same word occurs in *Carta 55 Hen. 3. m. 6.* See *Gavel-sister*.

Tolt (*Tolta*) Is a Writ, whereby a Cause, depending in a Court Baron, is removed to the County Court, and so called because it does *Tollere loquelam*, from the one Court to the other. *Preface to Cokes 3 Rep. Plac. Coram Rege Pasc. 22 Edw. 1. Rot. 18.* *Tolta placiti significat processus per quam causa a jurisdictione juris temporalis tollitur.*

Toltrap — *Venditio salis, qua debet solvi i. Bushel & dimid. salis per mensuram 4 d.* MS. de Temp. Edw. 1.

Tonne. See *Tun*.

Tort (Fr.) Injustice, injury. As, *De son tort meisme*, in his own wrong. *Cokes Rep. Whites Cas.* fol. 20. Wrong or injury is properly called *Tort*, because it is wrested or crooked. *Coke on Littl.* fol. 158. b.

Tortfeasor (Fr. *Tort faiseur*) A Doer of wrong, a Trespasser. *Croke 2 part*, fol. 383. num. 11.

Toties quotes (Anno 19 Car. 2. cap. 4.) As often as.

Totted, A good debt to the King, is by the Foreign Apposers, or other Officer in the Exchequer, noted for such, by writing this word *tot* to it. Anno 42 Edw. 3. cap. 9. and 1 Edw. 6. cap. 15. See *Practice of the Exchequer*, pag. 71.

Totteray, Was a Custonary payment of four pence for every Bushel and a half of Corn, sold at Maldon in Essex. Hil 15 Edw. 1.

Tourn. See *Turne*.

Tout temps pris & uncoze est, (i. Always ready, and is so at this present) Is a kinde of Plea in way of excuse, or defence for him that is sued for any Debt or Duty belonging to the Plaintiff. See *Brooks Abr.* fol. 258.

Towage (*Towagium*, Fr. *Tonaige*) Is the towing or drawing a Ship or Barge along the Water by Men or Beasts on Land, or by another Ship or Boat fastened to her. Also, that Money or other recompense, which is given by

by Bargemen to the owner of the Ground, next a River where they tow a Barge, or other Vessel. The word may probably be derived from the Saxon *teon*; *Ducere, trahere*. — *Dominus Rex habeat & habere debeat Thowagium navium & batellorum majorum & minorum in aqua de Tyne, &c.* Pla. Coram Rege & ejus Concil. Parl. 18 Edw. I. in Turre London.

Traybaston. See *Justices of Traybaston*, and see the Copies of several Commissions granted to them by Edward the First in *Spelmanns Glossarium*, verbo, *Traybaston*. The common people in those days called them *Traybaston*, *quod sonat*, Trahe baculum. Edward the First in his Thirty second year (says Sir Rich. Baker) sends out a new Writ of Inquisition, called *Traibaston*, against Intruders on other Mens Lands, who, to oppresse the right owner, would make over their Lands to great Men; against Batterers hired to beat men, Breakers of Peace, Ravishers, Incendiaries, Murderers, Fighters, False Assissors, and other such Malefactors; which Inquisition was so strictly executed, and such Fines taken, that it brought in exceeding much Treasure to the King. *Chron. fol. 111.* See *Plac. Parliamentaria, fol. 211.* & 280. and 4 Inst. 186. And in a Parliament 1 Ric. 2. the Commons of England Petitioned the King, That no Commission of Eyre, or *Trayle Baston* might be issued, during the Wars, or for Twenty years to come. *Rot. Parl. 1 Ric. 2.*

Traytor (*Traditor, Prodigitor.*) See *Treason*.

Traiterous Positions Of taking Arms by the Kings Authority against his person, and those that are commissionated by him; condemned by the Stat. 14 Car. 2. cap. 3.

Transcript (*Anno 34 & 35 Hen. 8. cap. 14.*) Is the Copy of any Original, written again or exemplified. As the *Transcript* of a Fine.

Transcripto Recognitionis facte coram Justiciariis itinerantibus, &c. Is a Writ for the certifying of a Recognition into Chancery, taken before Justices in Eyre. *Reg. of Writs, fol. 152. b.*

Transcripto pedis Finis lebati mittendo in Cancelleriam, Is a Writ for the certifying the Foot of a Fine, levied before Justices in Eyre, &c. into the Chancery. *Reg. of Writs, fol. 169.* and *Reg. Judic. fol. 14.*

Transgression. Is a Writ or Action of *Trespass*. Of which, Fitzherbert hath two sorts; one, *Vicountie*, so called, because it is directed to the Sheriff, and is not returnable, but to be determined in the County. The form whereof differs from the other, because it hath not these words *Quare vi & Armis, &c.* Nat. Br. fol. 84. G. The other is termed a *Writ of Trespass*, which is to be sued in the Common Pleas or Kings Bench. Nat. Br. fol. 92. E. See *Trespass*, and the divers use of this Writ in the Table of *Reg. of Writs & 2 Inst. fol. 419.*

Transire (*Anno 14 Car. 2. cap. 11.*) I

used for a Custom-house Warrant, or Let-pass; from *transire*, to go forth, or let pass.

Transitio. Is the opposite to *Local*. See *Local*.

Tranterp. So in some Mannors they call the Money arising by Amercements of Ale-sellers and Victuallers, for breaking the Assise of Bread and Ale, as at *Lufston*, and other Mannors in *Herefordshire*, especially those belonging to the *Bishopric of Hereford*. But why so called *Quare*.

Trabers (from the Fr. *Traverter*, i. *Transfigere*) Signifies sometimes to deny; sometimes to overthrow or undo a thing, or to put one to prove some matter, much used in answers to a Bill in *Chancery*; or it is that which the Defendant pleadeth, or saith in Bar to avoid the Plaintiffs Bill, either by confessing and avoiding, or by denying and traversing the material parts thereof: The formal words of which *Travers* are, in our French, *sans ceo*, in Latin *abque hoc*, in English without that. See *Kitchen, fol. 227. & 240.*

To *Travers an Office* is nothing else but to prove, That an Inquisition made of Goods or Lands by the Escheator, is defective and untruly made. So to *Travers an Indictment*, is to take issue upon the chief matter, and to contradict or deny some point of it. As in a Presentment against A. for a High-way overflowed with Water, for default of scouring a Ditch, &c. A. may *Travers* either the matter, that there is no High-way there, or that the Ditch is sufficiently scoured; or otherwise he may *Travers* the Cause, viz. That he hath not the Land, or that he and they whose estate, &c. have not used to scour the Ditch. *Lamb. Eiven. lib. 4. cap. 13. pag. 521, 522.* See the *New Book of Entries*, verbo, *Travers*.

Trason (Fr. *Trabison*, i. *Proditio*) Is divided into high and petit. *Anno 25 Edw. 3. stat. 3. cap. 4.* *High-trason* is defined to be an offence committed against the Security of the King or Commonwealth; whether it be by imagination, word, or deed; as to compass or imagin the death of the King, Queen, or Prince; or to deflower the Kings Wife, or His eldest Daughter unmarried, or His eldest Sons Wife, or levy War against the King in His Realm, adhere to His enemies, counterfeit His Great Seal, Privy Seal, or Money; or willingly to bring false Money into this Realm counterfeited like the Money of England, and utter the same: To kill the Kings Chancellor, Treasurer, Justices of either Bench, Justices in Eyre, of Assise, or of Oyer and Terminer, being in their place, doing their Office. (*Anno 25 Edw. 3. cap. 2.*) Forging the Kings Seal-Manuel or Privy Signet, Privy Seal, or Foreign Coyn current here. (*Anno 2 Mar. cap. 6.*) or diminishing or impairing current Money (*5 Eliz. cap. 11. 14 Eliz. cap. 3.* and *18 Eliz. cap. 1.* Or to say, the King is an *Hercetic* or *Papist*, or that He intends to introduce *Papery*, &c. *Anno 13 Car. 2. cap. 1.* And many others, which you may read there, and in other places

places particularly expressed. In case of this Treason a Man shall be hanged, drawn, and quartered, and forfeit his Lands and Goods to the King, it is also called *Treason Paramount.*
Anno 25 Edw. 3. cap. 2.

Petit Treason. Is when a Servant kills his Master, a Wife her Husband, or when a Secular or Religious Man kills his Prelate or Superior to whom he owes Faith and Obedience, and in how many other Cases *Petit Treason* may be committed. See *Cromp. Just. of Peace.* This kind of Treason gives forfeiture of Escheats to every Lord within his own Fee. See *Braffon, lib. 3. tract. 2. cap. 3. num. 1. & 2.* There is also mention of *Accumulative Treason*, and *Constructive Treason*, in the Stat. 14 Car. 2. cap. 29.

Treasure-trove, (Fr. *Tresor-trouvé*, i. Treasure-found) Signifies *reverem depositionem pecuniae, cuius non extat memoria, ut jam dominum non habeat* — And, though the Civil Law give it to the finder, according to the Law of Nature, yet, our Law gives it to the King by His Prerogative, or to some other, who claims by the Kings grant, or by prescription, as appears by *Braffon, lib. 3. tract. 2. ca. 3. num. 4.* The punishment for concealing *Treasure found* is imprisonment and fine. But, if the owner may any wayes be known, then it does not belong to the Kings Prerogative. *Briton, (ca. 17.)* fayes, 'tis every Subjects part, as soon as he has found any *Treasure* in the earth, to make it known to the Coroners of the County, &c. See *Kitchin, fo. 40. Anno 1 & 2 Ph. & Mary, ca. 15.* This was anciently called *Syndaringa*, of finding the Treasure. *LL. Hen. 1. ca. 11.* See 3 Inst. fo. 132.

Treasurer, (*Thesaurarius*) Is an Officer, to whom the *Treasure* of another is committed to be kept, and truly disposed of; The chief of these with us is the *Treasurer of England*, who is a Lord by his Office, and one of the greatest men of the Land; under whose Government is all the Princes Wealth contained in the Exchequer, as also the Check of all Officers any way employed in collecting Imposts, Tributes, or other Revenues belonging to the Crown, &c. *Smith de Repub. Angl. lib. 2. ca. 14.* See *Anno 25 Ed. 3. ca. 6.* and other Statutes relating to this Great Officer. There is also *Treasurer of the Kings Household*, who is also of the Privy-Council, and, in the absence of the Steward of the Kings household, has power, with the Controller and Steward of the Marshalsea, without Commission to hear and determine Treasons, Murder, &c. committed within the Kings Palace. *Stam. Pl. Cor. lib. 3. ca. 5.* There is also in the Statutes mention of *Treasurer of the Exchequer*, *Treasurer of the Navy*, *Treasurer of the Kings Chamber*, *Treasurer of the Kings Wardrobe*, *Treasurer of the Wars*, &c. And, most Corporations throughout the Kingdom, have an Officer of this Name, who receives their Rents, and disburseth their common expences.

Treat (From the French *Traité*, i. *Emulgere*) Signifies as much as taken out, or with-

drawn: As a Juror was challenged because he could not dispense 40 l. and therefore was treat by the Statute (*Old. Nat. Br. fo. 159.*) that is, removed or discharged.

Trebuchet, (*Terbiculum*) A Tumbrel, or Coketstole, 3 Part. Inst. fo. 219. See *Tribuch.*

Treet (*Triticum*, i. Wheat.) In the Statute of 51 Hen. 3. Bread of *Treet* seems to be that bread which was made of fine Wheat. See *Cucket.*

Trental (*Trentale*) An Office for the Dead, continued thirty dayes, or consisting of thirty Masses; from the Italian *Trenta*, i. Triginta, mentioned *Anno 1 Ed. 6. ca. 14.* — *Et volo & ordino quod Executores mei ordinant seu ordinare faciunt unum Trentall pro salute anime meæ.* Will proved, *Anno 1456.*

Trespass (*Transgressio*) Signifies any transgression of the Law, under Treason, Felony or Misprision of either, *Stam. pl. Cor. fo. 38.* where he sayes, that for a Lord of the Parliament, to depart from the Parliament without the Kings licence, is neither Treason, nor Felony, but *Trespass*. But, it is most commonly used for that wrong or damage, which is done by one private man to another, or to the King in his Forest; In which signification it is of two sorts, *Trespass-general*, otherwise termed *in armis*; and, *Trespass-special*, otherwise called *Trespass upon the Case*, which seems to be without force (howbeit sometimes they are confounded.) In an Action of *Trespass* the Plaintiff always sues for Damages, or the value of the hurt done him by the Defendant. See *Brokes. Abridg. Tit. Trespass.*

There is also *Trespass local*, and *Trespass transitory*; *Trespass local* is that, which is so annexed to a place certain, that if the Defendant joyn issue upon the place, and traverse the place, only by saying, *absque hoc*, that he did the *Trespass* in the place mentioned in the Declaration, and aver it, it is enough to defeat the action. *Trespass transitory* is that which cannot be defeated by the Defendants traverse of the place, because the place is not material; but, Actions of *Trespass quare Clausum* regis ought to be local. *Braffon, lib. 4. ca. 34. num. 6.* divides *transgressionem in maiorem & minorem.* See also *New Book of Entries*, verbo *Trespass*.

Trespassants, (Fr.) Passengers: so *Britton* uses it, *ca. 29.*

Trial, (*Triatio*) Is used for the examination of all causes Civil or Criminal before a Judge, according to the Laws of our Realm; of which there are divers kinds; as, Matters of Fact shall be tryed by the Jurors; Matters of Law, by the Justices; Matters of Record, by the Record it self. A Lord of Parliament, upon an Indictment of Treason, or Felony, shall be tryed without any Oath, by his Peers, upon their Honors and Allegiance; but, in appeal, at the Suit of any Subject, they shall be try'd *per bonos & legales homines*. If ancient Demeasne be pleaded of a Mannor, and deny'd, this shall be try'd by the Record of *Domesday*. *Baldary*, Excommengement, lawfulness of Marriage, and

and other Ecclesiastical matters, shall be try'd by the Bishops Certificate. Of the ancient manner of Trials by Combat, and great Assize, see *Combat* and *Assize*. See *Stamp. pl. Cor. lib. 2. ca. 1, 2, 3.* And *Twelve Men. Triatio est exactissima, litis contestata, coram Judice, per duodecim virale sacramentum, exagatio. Pat. 3. R. Joh. m. 3. in fidelitate Leulini. Statutus de triatione differentiarum dicti Leulini, &c.*

Tribuch & Trebuchet, (Terbichetum) A Tumbrel, Cuckingstole, or Gogingstole.—*Hec omnia concedimus deo & Ecclesia Sancti Albani, cum Saca & Saca, on Stronde & Streme, on Wade & Feld, Toll & Teym, Tribuch, Ham-soken, Murdre, Forestal, Danegeld, Infangenbef & Ufanganbef, Flememfreimb, Blodwite, Wreck, &c. Carta Joh. Regis, Dat. 11 Junii, Anno 1 Regni.*

Trithing, or Trithing, (Sax. Tpijninga) contains three or four Hundreds, or the third part of a Shire or Province; Also a Court held within that Circuit, which was the same we now call a *Court-leet*, which is above a *Court-Baron*, and inferior to the County Court. *Breve de Atturname de loqueliis, &c. Regist. 266.* —*Provisum est quod quilibet liber homo libere possit facere Atturnum suum ad loquelas suas prosequendas & defendendas motas in Trithyngis, Comitatibus, Wapentachis & aliis Curis sine breve nostro. Sur le Statute de Merton, ca. 10. Fiat autem visus de Franciplegio sic, viz. quod pax nostra teneatur, & quod Trithinga sit integra, sicut esse consuevit, &c. Mag. Char. ca. 36. See Fleta, lib. 2. ca. 61. & Origin. Jurid. fo. 26. See Latib. —Et volo quod ditti Monachi sint quieti & solvi ab omni scotto, Geldo, auxiliis vicecomitum, Hydagio, & a setta in Schiris, wapunctachis, Hundredis, Trithings, & omnimodis alias Curis & facultis oneribus universis. Carta Eadredi Regis Anno 948. Abb. & Monachis Croiland.*

Trinity-house, Is a kind of Colledge at Debford, belonging to a Company, or Corporation of Seafaring Men, who have power by the Kings Charter to take knowledge of those that destroy Sea-marks, and to redrefs their doings, as also to correct the faults of Sailors, &c. and to take care of divers other things belonging to Navigation and the Seas. *Anno, 8 Eliz. ca. 13.*

Trink, Is a kind of Fishing-net, or an Engin to catch fish. *Anno 2 Hen. 6. ca. 15. Cakes 12 Rep. fo. 89. Mich. 9 Jac.*

Triours. Are such who are chosen by the Court to examin whether a Challenge made to the Panel, or any of them be just, or no. *Brook tit. Challenge, fo. 122. and Old. Nat. Br. fo. 158.*

Trista. —*In quo Rex cum ceteris superior confisiſſer, secundum legem venandi, quam vulgus Tristam vocant, singulis proceribus cum suis canibus singula loca delegat, ut obſeſſa undique bestia, ubi cunq; eligere exitum, inveniret exiūm, &c. Decem Scriptores, fo. 367. Servitium vel Officium plane sapit, fiducia mixtum; Ori-*

go, in falloꝝ a nostratum **Trust.** Gloss. in x. Script. See *Tristris.*

Tristris, Tristis & Trista, (from *Trast*, i. Trust) Is an immunity, whereby a Man is freed from his attendance on the Lord of a Forest, when he is dispos'd to chase within the Forest, and shall not be compel'd to hold a dog, follow the chase, nor stand at a place appointed, which otherwife he might be; under pain of amercement, *Manw. par. 1. pa. 86.* — *Et sint quieti, &c. de chevagio, Hunde-penp, Buckstal & Tristris, & de omnibus misericordiis, &c. Privileg. de Semplingham. 4 Inst. fo. 306.*

Thrithing, (Trithingum) In the Statute of Merton, ca. 10. signifies a Court consisting of three or four Hundreds, 2 Inst. fo. 99. See *Tribing.*

Tronage, (Tronagium) Is Custom, or Toll taken for weighing Wooll; *Fleta, (lib. 2. ca. 12. Sec. Item ulnas) says, that Trona is a Beam to Weigh with, mentioned in West. 2. ca. 25.*

Tronator, (from *Trona*, i. Statera) An Officer in the City of London, who weighs the Wool that is brought thither. See his Oath in the *Book of Oathes*, fo. 231.

Trober, (Fr. Trouver, i. Invenire) Is the name of an action, which a man hath against one, who, having found any of his Goods, refuseth to deliver them upon demand. See *New Book of Entries, verbo Trover.* Actions of *detinue* are of late much turned into Actions upon the Case, *sar Trover & Conversion. Preface to Rulls Abridgement.*

Trop-weight, (Pondus Troia) See *Weight.*

Trug. —*Tres Trugge frumenti vel avena faciunt 2 Bushels infra Prebendam de Hunder-ton in Ecclesie Heret. MS. de temp. E. 3. And, at Lempster at this day the Vicar has Trug Corn allow'd him for Officiating at some Chappells of ease, (as Stoke and Dorklay) within that Parish; Hap'y it may come from the Sax. Tpoz, which lignifies a great hollow Vessel, or Trough.*

Lumbzel, (Tumbrellum, turbichetum,) Is an engine of punishment, which ought to be in every liberty that has view of Frankpledge, for the correction and cooling of Scoldes, and unquiet Women, *Kitchin, fo. 13.* See *Cucking-stool.* Item, si aliquis, qui in libertatem nostram, per assensum & consenſum Comburgensem nostrorum, admissus fuerit, fecerit aliquid delictum, per quod ad penam publicam seu vnde Judicium, ut ad Collistrigium vel Tumbrellum, vel aliquid aliud bujusmodi adjudicatus fuerit, pro perjuro reputabitur, & ipso factio amittet libertatem suam. MS. Codex de LL. Statutis & Consuetud. Burgi vil-lex Mountgom. fo. 11.

Tun, Is a measure of Oyl or Wine containing twelve score and twelve Gallons, or four Hogsheads, *Anno 1 Rich. 3. ca. 12. 2 Hen. 6. ca. 11. and 12 Car. 2. ca. 4.* a Tun of Timber is 40 solid feet; a Load 50.

Tun-grebe, (Sax. Tungepæfa, i. Villa præpositus) A Reeve, or Bailiff; qui in villi (& qua dicimus Manerius) Domini personam sustinet, et jusque

Cujusque rite omnia disponat & moderatur. Spelman.

Tunnage, al. **Tannage**, (*tunnagium & tonnagium*) Is a Custom or Impost due for Merchandise brought or carried in *Tuns*, and such like vessels, from, or to other Nations after a certain rate for every *Tun*. *An. 12 Edw. 4. ca. 3.* — *6 Hen. 8. ca. 14.* — *1 Ed. 6. ca. 13.* — *1 Jac. ca. 33. & 12 Car. 2. ca. 4.* It is sometimes used for a duty due to the Mariners for unloading their Ship, arrived in any Havens, after the rate of so much a *Tun*. *Tunnage and Poundage* began in the 45th of Edward the third. *Cottoni postbuma*, fo. 172. See 4 Inst. fo. 22.

Turbary, (*turbaria*, from *turba*, a turf) Is a right or interest to dig *turves* on another mans ground, *Kirklin*, fo. 94. And, *Common of Turbary* is a liberty which some Tenants have by prescription to dig *turves* on the Lords Waite. *Turbaria* is sometimes also taken for the ground where *turves* are digged.

Turn, (*turnum*) Is the Sheriffs Court, kept twice every year, viz. within a Moneth after Easter, and Michaelmas. *Mag. Charta*, ca. 35. & 3 Edw. 3. ca. 15. From this Court are exempt onely Arch-bishops, Bishops, Abbots, Priors, Earls, Barons, all Religious men and women, and all fœcū as have Hundreds of their own to be kept. *Anno 29 Hen. 3. ca. 10. Britton*, (ca. 29.) calls it *Tour*, (i. *ambitus, circuitus*.) It is a Court of Record in all things that pertain to it, it is the Kings Leet through all the County, and the Sheriff is Judge, and this Court is incident to his Office. See *Cromp. Jur.* fo. 230. and 4 Inst. fo. 260.

Tourney or Tournement (Fr. *Tourney*, i. *Decurserium*) Signifies a Martial exercise of Knights or Gentlemen fighting on horseback one with another in disport, and is thus defined, *Torneamenta dicuntur nundina vel feria, in quibus milites ex condito convenire, & ad ostentationem virium suarum & audacia, temere congreget solent.* This word is used in the Statute 24 Hen. 8. ca. 13. but, the thing it self is now disused.

Turno vicecomitum, Is a Writ that lies for those that are called to the Sheriffs *Turn* out of their own Hundred, *Reg. of Writs*, fo. 174.

Twaite, Signifies a wood grubbed up, and turned to Arable. *Coke on Litt.* fo. 4. b.

Two nights geste, (*Hospes duarum noctium*) If he did harm to any, his Host was not answerable for it, but himself. *Hoveden, parte poster.* fo. 345. b. See *Third-nights-awon-bine*.

Twelbe men, (*duodecim homines legales*,) otherwise called the *Jury*, or *Enquest*, is a number of twelve persons, or upwards to twenty four, by whose Oath, as to matters of Fact, all Trials pass both in Civil and Criminal Causes, through all Courts of the Common Law in this Realm. In Civil Causes, when proof is made of the matter in question, the point of the Fact (on which they are to give their verdict) is deliver'd likewise to them, which we call the *Issue*, then they are put in mind of their Oath, to do right, and are, by the Judges, sum-

ming up the evidence, sent out of the Court, by themselves to consider upon the Evidence on both sides, till they are agreed: which done, they return to the Court, and deliver their verdict by the Mouth of their Foreman; according to which (if the matter be not arrested, or staid by the discretion of the Judge or the Court,) the Judgment passeth.

In *Causes Criminal* there are two sorts of Enquests, one called the *Grand Enquest*, the other the *Enquest of life and death*; The first is so called, either because it consists of sixteen at the least, or else because all causes Criminal or Penal first pass through them; whereas the other Enquest is especially appointed for one or few matters touching life and death. Those of the *Grand Enquest* are called by *Bracton*, 12 *Milites*; because they were wont to be Knights, if so many could be had. And their Function is to receive all Presentments of any Offence, and accordingly to give their general opinion of them, by writing either these words *billa vera* upon the Bill of Presentment, which is an Indictment of the Party presented, or else *Ignoramus*, which is a doubting of the Fact presented. Of this read more in *Indictment, Assise, Jury*. See the Statute 35 Hen. 8. ca. 6. & 37 ejusdem, ca. 22. — 2 Ed. 6. ca. 22. & 5 Eliz. ca. 25.

Lymber of skins, Is 40 skins. *Book of Rates*, fo. 18.

Lympeny. *Abbas & Monaci Rading.* — *Sint queis de tributis & lastagis & stallagis de Thetbing-peny & Lympeny, de summonitionibus de Assisis & super assisis, &c.* In *Memorand. Scacc. de Anno 20 Ed. 3. int. Record. de Trin. Rot. 3.* I find it elsewhere written *Limpeng.* *Mon. Angl. 1 Par.* fo. 419. a. *Quare.*

U.

Vacation, (*Vacatio*) Is all the time respectively, betwixt the end of every Term and beginning of the next; when such times began and ended in our Ancestors dayes. See *Hovedens Annals, Par post.* fo. 343. a. where you shall find that this intermission was called *Pax dei & Ecclesie*. Also the time from the death of a Bishop or other Spiritual person, till the Bishoprick, or other Dignity be supplied by another, is called *Vacation*. *Wesm. 1. ca. 21. & 14 Edw. 3. ca. 4. & 5.* See *Plenarity*.

Vaccarie, alias **Vaccbarie**, (*Vaccaris*, al. *Vaccaria*, and *Vacheria*) Is a House or place to keep Cows in. *Fleta*, lib. 2. ca. 41. *Dominus sine locus quo vaccæ aluntur, vel quo negotium quod ad eos attinet perficitur.* Spelm. A Dairy-house. Without warrant no Subject may have a *Vaccary* within the Forrest, *Crom. Jur.* fo. 194. But, in the Stat. 37 Hen. 8. ca. 16. *Vaccary* seems to be a special name of a certain compass of ground within the *Forest of Ashdown*.

Waga.

Waga. See *Waga*.

Wagabond, (*Vagabundus*) One that wanders about, and has no certain dwelling, an idle Fellow. Rogues, *Vagabonds*, and iturdy Beggars, mentioned in divers Statutes. — *De Vagabundis & aliis hominibus mendicantibus qui se nominant, Trabelyngh-men*, &c. *Charta*, 22 Hen. 6. m. 34. n. 36. Item uisitare, quod nullus Vagabundus vagetur seu deambulet de nocte in villa seu suburbio ejusdem post pulsationem Campanie nostra communis, vocata *Cobertu*. Et si aliquis idem capiat post pulsationem dicta Campanie ducatur ad Caulam Domini Regis, & ibi morabitur usque in crastinum, ut noticia persone sua habeatur, & emendar faciet ad voluntatem Bavorum & Comburgensem, & per Bavoros Capitales liberetur, si hoc petat. MS. Codex de Legibus & Statutis Burgi-villa Mountgomer. a tempore, Hen. 2.

Valet, *Valet*, or *Vadelect*, (*Valeatus vel valleia*). Qui juxta dominum vadit seu ministrat. Fr. *Valet*.) A Servitor, or Gentleman of the Privy-Chamber, according to *Comelden*. In the accounts of the Inner-temple it is used for a Benchers Clerk, or Servant; The Butlers of the House corruptly call them *Vartlets*. In *Reg. of Writs*, 25. b. *Valeatus*. If the Sheriff be a *Vadelect of the Crown*, &c. *Coke on Lit.* fo. 156. *Sciant* — Quod ego Henricus Comes Lancastria & Leicestri. Seneschallus Angliae Deditimus — *Dilecto Valetto nostro Johanni le Blount novem acres terra eius pertin. in Holland in Foresta nostra de Duffeld*, &c. *Das, apud Houghton Ferrers 3 die Junii 5 Ed. 3. Penes Wal. Kirkham Blount Bar.*

Vale was anciently a name specially denoting young Gentlemen, though of great descent or quality, but now given to those of the rank of *Esquimes*. *Seldens titles of Honour*, fo. 831.

Value, (*Valentia, valor*) Is a known word; but, *West* gives us a nice difference betwixt *value* and *price*. — The *value*, says he, of those things, in which offences are committed, is usually comprised in Indictments, which seems necessary in *Theft*, to make a difference from *petit Larceny*, and in *Trespass* to aggravate the fault, and increase the Fine: But, no price of things *per se nature* may be expressed, as of Deer, Hares, &c. if they be not in Parks and *Warren*, which is a liberty. Anno 8 Ed. 4. fo. 5. nor of Charters of Land. And, where the number of the things taken are to be express'd in the Indictment, as of young Doves in a Dove-house, there must be said *pretii*, or *ad valentiam*; but, of divers dead things, *ad valentiam*, and not *pretii*. Of Coin not current, it shall be *pretii*, but of Coin Current it, shall neither be said *pretii*, nor *ad valentiam*, for the price and value thereof is certain, &c. Par. 2. *Symbol. tit. Indictments*. Sect. 70. V. W.

Valor of Marriage, (*Valore matrimonii*) Was a Writ that lay for the Lord, having profer'd Covenable Marriage to the Infant, and he refusing it, to recover the *value of the Marriage*. Old. Nat. Br. fo. 90. but taken away by the Statute 12 Car. 2. ca. 24.

Vantarius, *Præcursor*. As *Vantarius Regis*, the Kings fore-foot-man. *Richardus Rockeford, miles tenebat terras Seazonie per Seriantem esse Vantarium Regis in Gascoign, donec perusus fuit pari solutarum pretii 4 d. i. dum trivisset par calceorum pretii 4 d. Rot. de Finibus. Term. Mich. 2 Ed. 2.*

Variance, (From the Fr. *Variere*, i. *Alterare*) Signifies an alteration or change of condition, after a thing done. As, the Commonalty of a Town make a composition with an Abbot, and after obtain Bailliffs by grant from the King. In this case, if the Abbot commence any Suit for breach of the composition, he must vary from the word *Commonalty* set down in the Composition, and use *Bailliffs* and *Commonalty*. *Brook, tit. variance*, fo. 292. It is also used for an alteration of something formerly laid in a Plea. See *Variance in the New Book of Entries*.

Varlets, By a Repealed Statute of 20 Rich. 2. cap. 2. were used for Yomen, or Yomen-servants. See *Valefts*, and the Statute 3 Car. 1. ca. 4. *Will. Hunt Varlet del Chambre nostre Seigneur le Roy. Claus. 12 Rich. 2. M. 43. in dorso*.

Vasset, (*Vassellus*) — *Concordia inter Regem & Radulphum de Normanvili, viz. quod Rad. tenebat in servitio Regis Geroldum & Radulphum milites, filios suos, quamdiu guerra sua duraverit, per sic, quod Rex ei remittat CC. Marcus quas debebant Regi Johanni de Fine pro redemptione dicti Geroldi, & per sic debebatur; Thomas filius dicti Radulphi Vassetus in custodia Regis, qui si militer morabatur in servitio Regis cum prædictis Geroldo & Radulpho fratribus suis. Pat. 1 Hen. 3. in dorso M. 13.* It seems here to signify a Ward. See *Valeft*.

Vassal, (*Vassallus*) From the Germ. *Gesel*. i. *comes qui mercede servit*) Signifies him that holds Land in Fee of his Lord, we call him more usually a Tenant in Fee, whereof some owe fidelity and service, and are called *vassalli jurati*. But, the word being little used in our Law Books, make me waive that enlargement which *Cowel* makes upon it.

Wasto, Is a Writ that lies for the Heir against the Tenant for life or years, for making waste, or for him in the reversion or remainder. *Fitz. Nat. Br. fo. 55* See the Statute 6 Ed. 1. ca. 5.

Walbasor, alias *Walbasor*, Is one who in dignity is next a Baron. *Cambd. Brit. ps. 109.* — *Bradon*, lib. 1. ca. 8. says thus of them — *Sunt & alii potentes sub Rege, qui dicuntur Barones, hoc est, robur bellum; sunt & alii qui dicuntur vavafores, viri magna dignitatis: vavas enim, nibil melius dici poterit, quam vas sortitum ad valitudinem.* — *Rex*, &c. *Ballivis Petri de Pratellis de Insula Gersie & Gernse, &c. volumus — quod Episcopi, Abbates, Abbatissas, Clerici, Milites, vavafiores, & alii qui redditus & tenementa habent in Insula Gersie, &c. quintam partem reddituum suorum unius anni, &c. præbeant ad sufficiendum milites & servientes qui prædictas Insulas defendunt.* Pat. 5 Joh. M. 7. See more of these in the learned *Spelmans Gloss*.

Walbasorie,

Wabasorie (Vavasoria) The Lands that a Baron held — *Quod dicitur de Baronia non est observandum in Vavasoria, vel aliis minoribus feodis quam Baronia, quia caput non habent sicut Baronia.* Bract. lib. 2. cap. 39.

Weal-Moneyp, or Weal noble Moneyp, The Tenants of one of the Tithings within the Mannor of Bradford in Com. Wilts., pay a yearly Rent by this name to their Lord, the Marques of Winchester, which is in lieu of *Veal* paid formerly in kind.

Wejours (Visores, from the Fr. *Voir*, i. Cernere, insueri) Are those that are sent by the Court to take view of any place in question, for the better decision of the right. *Old Nat. Br.* fol. 112. So Braston uses it, *Lib. 5. tract. 3. cap. 8.* It signifies also those that are sent to view such as Essoign themselves *De malo lecti*, whether they are in truth so sick, as they cannot appear, or whether they counterfeit. *Braston, lib. 5. tract. 2. cap. 10. & 14.* Lastly, It is used for those that are sent or appointed to view an offence, as a Man murdered, or a Virgin ravished. See *View*.

Wenditioni exponas, Is a Writ Judicial, directed to the Under-Sheriff commanding him to sell goods, which he hath formerly, by commandment, taken into his hands for the satisfying a judgment given in the Kings Court. *Reg. Judic.* fol. 33. And *Anno 14 Car. 2. cap. 21.*

Venire facias, Is a Writ Judicial, going out of the Record, and lies where two parties plead, and come to Issue; for then the party Plaintiff or Defendant, shall have this Writ directed to the Sheriff, to cause Twelve Men of the same County to say the truth upon the Issue taken: And if the Enquest come not at the day of this Writ returned, then shall go a *Habeas Corpora*, and after a *Distress*, until they come. *Old Nat. Br.* fol. 157. See how diversly this Writ is used in the Table of the Register Judicial. There is also a Writ of this name, that is original, as appears in the *Reg. of Writs*, fol. 200. Which Lambert in his Proceses annexed to his *Eiren.* says, is the common Proces upon any Presentment, not being Felony, nor specially appointed for the fault presented by Statute, whereof he sets down an example in the same place. See also the *New Book of Entries, verbo, Enquest,* fol. 253. And the Stat. 35 Hen. 8. cap. 5.

Venire facias tot matronas. See *Ventre inspiciendo*, and *Lamb. Eiren. lib. 4. cap. 14. pag. 532.*

Ventre inspicio, or Veneto (Vicinetum al. Visnetum) Is taken for a neighboring or near place, *Locus quem vicini, habitant.* For example, Twelve of the Assise ought to be of the same *Venew*, where the Demand is made. *Old Nat. Br.* fol. 115. *Anno 4 Hen. 4. cap. 26.* And 25 Hen. 8. cap. 6. 227. a.

Venue or Veneto (Vicinetum al. Visnetum) Is taken for a neighboring or near place, *Locus quem vicini, habitant.* For example, Twelve of the Assise ought to be of the same *Venew*, where the Demand is made. *Old Nat. Br.* fol. 115. *Anno 4 Hen. 4. cap. 26.* And 25 Hen. 8. cap. 6.

— And also shall return in every such Panel upon the *Venire facias*, six sufficient Hundreders, at the least, if there be so many within the Hundred, where the *Venue* lies. See *Vine*.

Verd. See *Vert*.

Verderoz (Viridarius, Fr. Verdeur, i. Custos nemoris) Is a Judicial Officer of the Kings Forest, chosen by the Kings Writ in the full County of the same shire, within the Forest where he dwells, and is sworn to maintain and keep the Assises of the Forest, and to view, receive, and enrol the Attachments and Presentments of all manner of Trespasses of Vert and Venison in the Forest. *Manwood, par. 1. pag. 332.* His office is properly to look to the *Vert*, and see it be well maintained. *Cromp. Jurisd.* fol. 165. His Oath, Fee, and Authority, see in *Manwood supra*, and fol. 51.

Verdict (Vereditum, quasi dictum veritatis) Is the Answer of a Jury or Enquest made upon any Cause, Civil, or Criminal, committed by the Court to their tryal; which is twofold, General or Special. *Stamf. Pl. Cor. lib. 3. cap. 9.* A General Verdict, is that, which is given or brought into the Court in like general terms to the General Issue; as in an Action of *Disseisin*, the Defendant pleads, *No wrong, no Disseisin:* Then the Issue is General, whether the Fact be a wrong or not, which being committed to the Jury, they, upon consideration of their evidence, come in and say, either for the Plaintiff, that it is a wrong and *Disseisin*, or for the Defendant, that it is no wrong, no *Disseisin*.

A Special Verdict, is, when they say at large, that such a thing, and such they finde to be done by the Defendant or Tenant, so declaring the course of the Fact, as in their opinion it is proved, and as to the Law upon the Fact, they pray the Judgment of the Court. And this Special Verdict, if it contain any ample Declaration of the Cause; from the beginning to the end, is also called a *Verdict at large*; whereof read divers examples in *Stamf. ubi supra. New Book of Entries, verbo, Verdict.* And *Coke on Littl. fol. 228. a. Item uimur, quod Balivi & Coronatores Burgi nostri usi fuerint & adhuc utuntur recipere Vereditum Duodecim Juratorum ex quacunque causa infra Burgum nostrum predictum seu ejus libertatem emergenti five contingenti, Seneschallus presentia nullo modo expectata.* MS. Codex de LL. & Statutis Burgi-villæ Mountgomer. fol. 15.

Verge (Virgata) Is used for the compass of the Kings Court, which bounds the Jurisdiction of the Lord Steward of the Kings Household, and of the Coroner of the Kings House, and that seems to have been twelve miles compass, *Anno 13 Rich. 2. stat. 1. cap. 3.* Britton, fol. 68. & 69. *Cokes Rep. lib. 4. fol. 47.* See the Stat. 23 Hen. 8. cap. 12. *Fleta (lib. 2. cap. 4. sett. 1.)* says, This compass about the Court is called *Virgata, a Virga, quam Marishallus portat ut signum sua potestatis.*

Verge is also used for a Stick or Rod, whereby one is admitted Tenant, and, holding it in his hand, swears Fealty, to the Lord of a Mannor, who is therefore called *Tenant by the Verge*. *Old Nat. Br.* fol. 17.

Verge of Land (*Anno 28 Edw. I. Statute of Wards*) *Virgata terra*. See *Yard-land*.

Wergers (*Virgatores*) Are such as carry White Wands before the Justices of either Bench, &c. *Fleta, lib. 2. cap. 38.* otherwise called *Porters of the Verge*.

Very Lord, and very Tenant (*Verus Dominus, & verus Tenens*) Are those that are immediate Lord and Tenant one to another. *Brook, tit. Hariot*, fol. 23. In *Old Nat. Br.* fol. 42. You have these words — *And know ye that in taking of Leases, six things are necessary, viz. Very Lord, and very Tenant. Service behinde; the day of the taking; Seisin of the Services and within his Fee. And, that a Man is not very Tenant, until he have atturmed to the Lord by some service.* See *Anno 19 Hen. 7. cap. 15.* And see *Tenant*.

Vert (*Fr. Verd, i. Viridis*) Otherwise called *Greenbuc*, signifies in the Forest Laws, every thing that grows and bears green Leaf within the Forest, that may cover a Deer. *Manwood, 2. Part. fol. 6. & 33.* *Vert* is divided into *Over Vert*, and *Neather Vert*. *Over Vert* is that which our Law-Books call *Hault Bois*, and *Neather Vert, South-bois*. And of this you may read *Manwood, 2 par. cap. 6. per totum*. *Vert* is also sometimes taken for that power which a Man hath by the Kings Grant to cut Green Wood in the Forest. See *4 Inst. fol. 317.*

Werbise, Otherwise called *Plonkets*. *Anno 1 Rich. 3. cap. 8.* A kind of Cloth.

Wesles, *Anno 1 Rich. 3. cap. 8.* And *Anno 14 & 15 Hen. 8. cap. 11.* otherweise called *Sot Cloathis*, most commonly made in *Suffolk*.

West (*Vestire*) *Plenam possessionem terrae vel pradii tradere; seisinam dare, infodare*. Says *Spelman*.

Westry-men (*Anno 15 Car. 2. cap. 5.*) Are a select number of the cheif Parishioners of every Parish within the City of London, and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take care of its concerns, so called, because they usually meet in the *Vestry* of the Church.

Westure (*Vestura*) Signifies a Garment, but we turn it Metaphorically to betoken a Possession, or an admittance to a Possession, or *Seisin*: So is it taken in *Westm. 2. cap. 25.* And in this signification it is borrowed from the Feudists, with whom *Investitura*, imports a Delivery of Possession by a Spear or Staff, and *Vestura*, Possession it self. *Hottoman, verbo, Investitura. Vesturaterre, i. Segetes quibus terra Vestitur. MS.*

Westure of an Acre of Land (*Anno 14 Edw. 1. stat. 1.*) Is the profit of it. So in *Extenta Manerii 4 Edw. 1.* It is inquirable, How much the *Westure of an Acre* is worth, and how much the *Land* is worth, when the *Wood* is felled.

Wetitum namium, *Namium* signifies a Taking or Distress, and *Wetitum*, forbidden; as when the Bailiff of a Lord Distraints Beasts or Goods, and the Lord forbids his Bailiff to deliver them, when the Sheriff comes to Replevy them, and to that end, drives them to places unknown; or when, without any words, they are so eloigned, as they cannot be replevied. Divers Lords of Hundreds, and Court Barons have power to hold Plea *De Wetito Namio*, in old Books called *De Wet.* *2 Inst. fol. 140.* Sir Henry Spelman says it is *Antiqua Juris nostrii locutio, & brevis Regis nomen. See Naam.*

Vicario deliberando occasione cuiusdam Recognitionis, &c. Is a Writ that lies for a Spiritual Person, imprisoned upon forfeiture, of a *Recognitione*, without the Kings Writ. *Reg. of Writs, fol. 147.*

Wicis & benellis Mundandis, Is a Writ that lies against a Major or Bailiffs of a Town, &c. for the clean keeping their Streets. *Reg. of Writs, fol. 267. b.*

Vicar (*Vicarius*) The Priest of every Parish is called *Rector*, unles the Predial Tithes be impropriated, and then he is called *Vicar, Quasi vice fungens Rectoris. Sciant—quod ego Johannes Webbe perpetuus Vicarius Ecclesie Parochialis de Bromyord Dedi — Domino David Hay perpetuo Vicario Ecclesie Parochialis de Anenebury duas aeras terre, &c. Dat. 8 Hen. 5.* They stiled themselves *Perpetui Vicarii*, because every *Vicaridge* hath a constant Succession, as a Corporation, and never dies. The Canonists mention four species of *Vicars*: *Quidam sunt perpetui, ad Parochiales Ecclesiastis constituti; quidam non perpetui, sed ad aliquos actus constituti, ut temporales; & isti dicuntur, mercenarii: Quidam sunt speciales, non ad curam, sed ad certum locum, articulum vel actum constituti: Quidam nec perpetui, nec ad curam, nec ad certum actum, sed generaliter dantur ad omnia.* See *Vocab. utriusque Juris, verbo Vicarius*.

Vice-Chamberlain, called *Under-Chamberlain* (*Anno 13 Rich. 2. stat. 2. cap. 1.*) Is a great Officer in Court, next under the Lord Chamberlain, and in his absence hath the command and controlment of all Officers whatsoever, appertaining to that part of his Majesties Household, which is called the *Chamber*, or above stairs.

Vicerenger (*Anno 31 Hen. 8. cap. 10.*) A Deputy or Lieutenant.

Vicinage (*Fr. Voisinage*) Neighborhood, nearness. *Mag. Charr. cap. 14.* See *Venue*.

Vicinetum. See *Vijne*.

Vicount alias Viscount (*Vicecomes*) Signifies as much as *Sheriff*: Between which two words, I finde no other difference, but that the one comes from our Conquerors the Normans, the other from our Ancestors the Saxons, of which, see more in *Sheriff*.

Viscount also signifies a degree of nobility next to an Earl, which *Camden (Britan. pag. 170.)* says, Is an old name of Office, but a

new one of dignity, never heard of among us till Henry the Sixtib; dayes, who, in his eighteenth year, in Parliament created John Lord Beaumont, Viscount Beaumont, but far more ancient in other Countries. *Coffan de Gloria mundi*, par. 5. consider. 55. See Sheriff. And *Seldens Titles of Honor*, fo. 761.

Vicountiels, (Vicecomitilia) Are certain Ferms, for which the Sheriff pays a rent to the King, and makes what profit he can of them. v. Stat. 33. & 34 Hen. 8. ca. 16. — 2 & 3 Ed. 6. ca. 4. & 4 Hen. 5. ca. 2. Writs Vicountiel are such Writs as are triab e in the County, or Sheriffs Court. *Old Nat. Br.* fo. 109. of which kind you may see divers Writs of Nuifance set down by Fitzb. in his *Nat. Br.* fo. 184. b. See *Anno 6 Rich 2. ca. 3.*

Vicountiel Farms, Mentioned 22 Car. 2. ca. 6. See *Vicountiels*.

Vidimus, (Anno 15 Hen. 6. ca. 3.) See *Innotescimus*.

View, (Fr. *Vieu*, i. *Visus*, *conspectus*) Signifies the act of Viewers: For, when any Action real is brought, and the Tenant knows not well what land it is that the Demandant asks, then he may pray the *view*, which is, that he may see the land which is claimed, of this *Briston* writes, ca. 45. This course of proceeding we receiv d from the Normans, as appears by the *grand Custumary*, ca. 66. and 80. This *view* is used, as in other cases, so in an Assise of rent-service, rent charge, or rent seek. *Fitz. Nat. Brev.* fo. 178. and in a Writ de Curia claudenda. *Idem*, fo. 128. In a Writ of Nuifance, *idem*, fo. 183. In a Writ Quo jure. *Idem*, fo. 128. In the Writ de rationabilibus divisis. *Idem*, fo. 129. And, in the Writ de scita ad molendinum. *Idem*, fo. 123. see the *New Book of Entries*, verbo, *view*, and, how this *view* is made, in *Fleta*, lib. 4. ca. 6. See *Viewers*, and *Westm.* 2. ca. 48.

View of Frankpledge, (*Visus Franci plagi*) Is the Office which the Sheriff in his County Court, or the Bailiff in his Hundred performs, in looking to the Kings peace, and seeing that every man be in some pledge. This is called by *Braffton*, *Res quasi sacra, quia solam personam Regis respicit*, & introducta pro pace & communis utilitate, lib. 2. ca. 16. num. 8. See *Frankpledge*, *Leet* & *Decennier*. See *New Book of Entries* on this word.

Vi laica remobendo, Is a Writ that lies for the removing a forcible possession of a Benefit, kept by Lay-men; and is sometimes granted upon the Certificate of the Bishop into the Chancery, that there is such a force in his Diocese; sometimes only upon a surmise thereof made by the Incumbent himself, and has a several form for either case. *Fitz. Nat. Brev.* fo. 54. *Reg. of Writs*, fo. 59 & 60.

Vigil, (*Vigilia*) Anno 2 & 3 Ed. 6. ca. 19. is used for the eve or day next before any solemn Feast; because then Christians of old were wont to watch, fast and pray in their Churches.

Vill, (*Villa*) Is taken for a Mannor, and sometimes for a Parish, or part of it. *Villa*,

apud *Saxones nostros antiquos Romano sensu accipi videtur, pro prædio unus alicuius in rure, cum idoneis ædibus ad reponendos ejusdem fructus honestato. Non autem primitus pro multarum mansionum connexione, quid in oppidi villa possepetendum esset, & successivis temporibus villa posseintroductum est.* *Spelman*. *Vill* and *Parish* shall be intended all one, 2 *Part Crokes Rep. Wreys Case*, fo. 263. yet there may be two Vills in one Parish, *idem*, fo. 120. *Storks Case*.

Villain, (*Villanus*) Fr. *Vilain*, i. *Illiberatus*, *vilius, impurus*) Signifies a Bondman; of which there were two sorts in England, one termed a *Villain in gross*, who was immediately bound to the person of his Lord and his heirs; the other a *Villain regardant to a Mannor*, whom the Civilians term *Glebae adscriptitium*, being bound to their Lord, as Members belonging to, and annexed to a Mannor, whereof the Lord was owner. *Sir Thomas Smith Repub. Angl. lib. 3. ca. 8.* *Old Nat. Br.* fo. 8. & *Braffton*, lib. 1. ca. 6. num. 4. He was properly a pure *Villain*, of whom the Lord took redemption to marry his Daughter, and to make him free, and whom the Lord might put out of his Lands and Tenements, Goods and Chattels at his will; and beat and chafise, but not maim him. There are not properly any *Villains* now, though the Law concerning them stands un-repealed; We have rarely heard of any *Cafe of Villenage*, since *Crouches Case* in *Dyer*. See *Preface to Rolls Abridgment*. *Servorum enim & Nativorum apud nos sublata est conditio;* & *quas ideo possidebant terras vel prædia, bodie libere tenent sub antiqua servitutis consuetudinibus.* *Spel.*

Omnibus — *Frater Matheus Abbas de Haileswigne & Conventus ejusdem loci salutem. Noviterius nos unanimi voluntate & concensu fecisse Johannem del Grene de Rue eakur liberum, cum tota sequela sua procreata & procreanda, & cum omnibus catalis suis habitis & habendis. Ita verr quod prefatus Johannes, cum tota sequela sua procreata & procreanda & cum omnibus catalis suis habitis & habendis, ab omni jugo servitutis liberi mancant imperpetuum. In cuius rei testimonium huic literæ libertatis sigillum nostrum apposuimus. Dat 3 Ed. 3. Ex ipso Autographo penes Johannem Winford Mil.*

Willanis Regis subtractis reducendis. V. a Writ that lay for the bringing back of the Kings Bondmen, that had been carried away by others out of his Mannors, whereto they belonged. *Reg. of Writs*, fo. 87. b.

Willanous Judgment, (*Villanum Judicium*) Is that *Vill* casts the reproach of *villany* and shame upo him against whom it is given, as a Conspirator, *Stamf. Pl. Cor. lib. 3. ca. 12. fo. 173.* which *Law* in his *Eiren.* (lib. 1. ca. 13. pa. 62.) calls *Villanous punishment*, and sayes, it may well be called *villanous*, because the Judgment in such case, shall be like the ancient Judgment in *Attains* as it is said *Anno 4 Hen. 5. Fitz. Judgment. 220*) and (in 27 lib. *Assis. pl. 59.*) is set down to be, that *they*

they shall not be of any credit afterward, nor lawful for them in person to approach the Kings Court, and that their Lands and Goods be seized into the Kings hands, their Trees rooted up, and their Bodies imprisoned, &c. And, at this day, the punishment appointed for Perjury, (having somewhat more in it then corporal, or pecuniary pain, stretching to the discrediting the testimony of the Offendor for ever) may be partaker of this name. This and such like is elsewhere termed *vile & odibile Iudicium*. See *Pillory*.

Willein fleeces, (Anno 31 Edw. 3 ca. 8.) Are bad fleeces of Wool, that are shorn from sickly Sheep.

Villenage, (*Villenagium*) Signifies a servile kind of tenure of Lands or Tenements, whereby the Tenant was bound to do all such services as the Lord commanded, or were fit for a villain to perform; *ubi sciri non poterit vespere, quale servitum fieri debet mane*. *Braetun*, lib. 2. ca. 8. num. 3. The division of Villenage, was villain of Blood, and of Tenure. Tenure in Villenage could make no Freeman villain, if it were not continued time out of mind; nor free land make villain free. Villenage is also divided by *Braeton* (*ubi supra*) into *Parum villenagium a quo praestatur servitum incertum & indeterminatum*, as above is said; and *Villenagium Soccagium*, which was to carry the Lords Dung into his Fields, to plow his ground at certain dayes, Sow and Reap his Corn, &c. and even to empty his Jakes, as the Inhabitants of Bickton were bound to do those of *Clun Castle* in *Shropshire*, which was afterwards turned into a Renr, now called *Bickon silver*, and the villainous service excuted.

Placita de Banco a die Pasche in 15 dies, 34 Hen. 3. Rot. 20 Berks.

Will. Maynard, qui tenuit terras in Hemst, cognoscit se esse Villanum Abbatis de Abendon, & tenere de eo in Villenagio & per villanas confuctudines, viz. per servitum 18 d. per annum & dandi Maritagium & Marchetum pro filia & sorore sua, ad voluntatem ipsius Abbatis, & faciendo omnes villanas confuctudines. Copyholder, or Tenants by Copy is but a new name; for anciently they were called Tenants in Villenage, or of base Tenure. *Fitz. Nat. Er. fo. 29. C.*

Winnet, (Anno 14 Car. 2. ca. 33.) A kind of rlower or border, with which Printers use to garnish printed leaves.

Virgata terra, Al. *Virga terra*. A Yardland. MS. Codex. — Decem acra terra faciunt secundum antiquam confuctudinem, unam ferdelam, & quatuor ferdelas faciunt virgatam. See *Yardland*.

Viridario eligendo, Is a Writ that lies for the choice of a *Verderer* in the Forest. Reg. of Writs, fo. 177.

Virilia, A mans privy-members; the cutting off of which was Felony by the Common-Law, (according to *Braeton*, lib. 3. fo. 14.) whether the party consented or not. *Henricus Hill & Auxor ejus capti & deteni in prona de Evilchester, eo quod rotatii fuberint quod ipsi abscederant virilia Johannis Monacbi*, quem idem *Henricus deprehendit cum predicta A. uxore ejus. Rot. Clau. 13. Hen. 9. m. 9.*

Virga ferrea, — *Sciant — quod ego Hammarum Urri aedi* — *Nich. suo Eddo pro viii s. sterlingis quos mibi dedit pro mansibus, unam placetam terre meae in vicino versus Duflelee, qua jacet inter terram meam & terram Philippi filii Heylin, cuius latitudo in fronte continet in sexi virgas ferreas prater unum quartarium, & tandem aretro, &c. Ex libro Cart. Prior. Leonistr. This was so many yards, according to the Kings Standard in the Exchequer, which anciently was of Iron, now Brass.*

Visitation, (*Visitatio*) Is that Office or Action which is perform'd by the Bishop in every Diocese once in every three years, or by the Arch-deacon once a year, by visiting the Churches, and their Rectors, &c. — *Ut populus illorum curæ commissus salubriter a pastoribus & ordine gubernetur. Recorm. Leg. Eccles. fo. 124. Ne quid detrimenti capiat Ecclesia*, says another Author.

Visitation of Manners, (*Visitatio morum*) Was wont to be the name of the Regarders Office in ancient time. *Manwood*, Par. 1. pa. 195. See *Regarder*.

Vilse, (*Vicinetum*) Signifies a Neighbour-place, or a place near at hand. *Anno 16 Rich. 2. ca. 6. dicitur vicinetum. in Jure nostro lucus quem vicini habitant, qui olim intelligebantur de eadem villa sive adjacentibus, atque alias de eodem Hundreto vel proximis; modo vero de eodem pago, sive Comitatu, hoc est compagenses. Spelm. See Venew.*

Wisu Franciplegit, Is a Writ, to exempt him from coming to the *Vicaraf Frankpledge*, who is not resident within the Hundred; For men are bound to this *View*, by reason of their habitation, and not of Lands held where they dwell not. Reg. of Writs, fo. 175.

Witteller alias Wittaler (*Vitellarius al. Vitellaria*) Is he that sells *Vituals*; for whom there is a Writ in *Fitz. Nat. Br. fol. 172*. If they exercise their Trade, bearing a Magistracy in any Town Corporate.

Wiba pecunia, Anciently used for live Cattle. See *Pecunia*.

Wiba voc. See *Deposition*.

Wibarp (*Vivarium*) Signifies a place on Land, or Water, where living things are kept. In Law it most commonly signifies a Park, Warren, Fish-pond, or Piscary. *Cokes second part Inst. fol. 100. Hec est conventio inter Priorum & Conventum Canonicorum de Rudham & Rogatum de Glanvilla, de Molendino & flagno de Thorp, sc: quod Canonici reddent annuatim prefato Rogerio 7 sol. quemadmodum pater ejus Robertus de Glanvilla solebat habere tempore Michaelis Prioris; & sc: Rogerus de Glanvilla fuerit*

rit in Ruston vel uxor ejus, ipse poterit piscari in Vivario absque Waſto cum Batello Canonorum, &c. Anno 1171. 8 Maii. M. S. Penes Gul. Dugdale Arm.

Wlnage. See *Alnage*.

Vncoze p̄ſtſ, Is a Plea for the Defendant, being sued for a debt due at a day past, to save the forfeiture of his Bond; saying, he tendered the debt at the time and place, and that there was none to receive it, and that he is yet also ready to pay the same. *7 Edw. 6. 83 Dyer.* See *Vnques p̄ſtſ.*

Vnctuth (Sax.) Unknown. It is used in the ancient Saxon Laws, for him that comes to an Inn guest-wife, and lies there but one night; in which case his Host was not bound to anſwer for any offence he committed, whereof he was guiltless himself. See *Lamb. Archai. fol. 133. num. 7.* — *Item secundum antiquam consuetudinem dici poterit de familia alicuius, qui huius fuerit cum alio per tres noctes;* quia prima nocte poterit dici **Vnctuth Secunda vero Cull,** tertia nocte **Hogbenehine.** *Bracton, lib. 3. cap. 10. num. 2.* See *Thirdnightawnbne*.

Vnde nihil habet, Is a Writ. See *Dote unde nihil habet.*

Under-chamberlain of the Exchequer, Is an Officer there, that cleaves the *Tallies*, written by the Clerk of the *Tallies*, and reads the same, that the Clerk of the *Pelt*, and the Comptrollers thereof may see their Entries be true; he also makes searches for all Records in the Treasury, and hath the custody of *Domesday Book*. There are two Officers there of this name.

Under Sheriff. (*Subvicecomes.*) See *Sheriff*.

Under Sitter, Is an Inmate. See *Inmate*.

Undertakers, Were such as were employed by the Kings Purveyors as their Deputies. *Anno 2 & 3 Phil. & Ma. cap. 6.* And such as undertake any great work, as draining of Fens, &c. *Anno 43 Eliz. cap. 11.*

Under Treasurer of England. (*Vicebeschaurius Anglia*) *Anno 39 Eliz. cap. 7.* This Officer is confounded in other Statutes with *Treasurer of the Exchequer*, as in *35 Eliz.* In the vacancy of the Lord Treasurers Office, he does all things in the Receipt that the *Lord Treasurer* doth. Anciently he did Chest up the Kings Treasure at the end of every Term, and note the content of Money in each Chest, and see it carried to the Kings Treasury in the Tower, for the ease of the *Lord Treasurer*, &c.

Uniformity (*Uniformitas*) One form of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies in the Church of England; prescribed by the Statutes *1 Eliz. cap. 2.* And *14 Car. 2. cap. 4.*

Union (*unio*) Is a combining or consolidating of two Churches in one, which is done by the consent of the Bishop, the Patron and Incumbent: But there are two other sorts of it; as when one Church is made subject to the

other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the *Gloss* of the Chapter, *Licet de locato & conduto, in Lyndwods Provincials, Scit. Et quia* — In the first signification, by the Statute *37 Hen. 8. cap. 21.* It was made lawful to make an *Union* or Consolidation of two Churches in one, whereof the value of the one is not above six pounds in the Kings Books of the First Fruits, and not above one mile distant from the other. And by another Statute *17 Car. 2. cap. 3.* It shall be lawful for the Bishop of the Diocess, Major, Bailiff, &c. of any City or Corporate Town, and the Patron or Patrons, to unite two Churches or Chappells in any such City, Town, or the Liberties thereof; provided such *Union* shall not be good, if the Churches so united exceed the sum of One hundred pound per annum, unless the Parishioners desire otherwise, &c.

Unity of Possession, Signifies a Joyn-possession of two Rights by several Titles; As, if I take a Lease of Land from one upon a certain Rent, afterwards I buy the Fee-simple; this is an *Unity of Possession*, whereby the Lease is extinguished, by reason that I, who had before the occupation only for my Rent, am become Lord of the same, and am to pay my Rent to none but my self.

University (*Universitas*) Is most usually taken for thoſe two Bodies, which are the Nurseries of Learning and Liberal Sciences in this Realm, *Oxford* and *Cambridge*, endowed with great favors and priviledges, as appears not only by *Anno 2 & 3 Ph. & Mar. cap. 15.* — *13 Eliz. cap. 21.* & *18 Ejusdem, cap. 6.* But much more by their several Charters, granted by divers pious and munificent Kings of this Land. *Anno 14 Car. 2. cap. 4.*

Wnlage (Sax. *Un-laga*) A wicked or unjust Law. In which ſence the word occurs in *LL. Hen. 1. cap. 34. 84.*

Unlawful Assembly (*Illicita Congregatio*) Is the meeting of three or more perſons together, with force to commit ſome unlawful Act, and abiding together, though not endeavoring the execution of it, as to assault or beat any perſon, to enter into his Houſe or Land, &c. *Wulf. par. 2. Symbol. tit. Indictments, ſect. 65. Lambert in his Eiren. cap. 19.* By the Statute of *16 Car. 2. cap. 4.* And *22 Ejusdem, cap. 1.* If five perſons or more ſhall be Assembled together above thoſe of the Family, at any Conventicle or Meeting, under colour of any Exercise of Religion, it is *unlawful* and puniſhable by Fines, and otherwise, as in the ſaid Statute is expreſſed.

Vnques p̄ſtſ (i. Always ready) Is a Plea whereby a Man profeſſeth himſelf *always ready* to do, or perform that, which the Demandant requires. For example, A Woman ſues the Tenant for her Dower, and he, coming in at the first day, offers to aver, that he was *always ready*, and ſtill is to perform it. In this caſe, except the Demandant will aver the contrary, he ſhall

shall recover no damages. When this Plea will serve to avoid charges, and when not, see *Kitchin*, fol. 243. See *Uncore prift*.

Voidance (*Vacatio*) Is a want of an Incumbent upon a Benefice, which is twofold; either in *Law*, as when a Man hath more Benefices incompatible; or in *Deed*, as when the Incumbent is dead, or actually deprived. *Brook*, tit. *Quare imposit.* num. 51.

Volumus, Is the first word of a Clause in the Kings Writs of Protection and Letters Patent. *Anno 1 Rich. 2. cap. 8.* And 13 *Ejusdem*, cap. 16. Of Protections some are *Cum clausula Volumus*; and of these there are four kindes, viz. 1. *Quia profecturus*. 2. *Quia moraturus*. 3. *Quia indebitatus nobis existit*. 4. When any one, sent into the Kings service beyond Sea in War, is imprisoned. *Coke on Littl. fol. 199.*

Voucher (*Vocans*) Is a word of Art, and is in the understanding of Law, when the Tenant calls another into the Court that is bound to him to Warranty, and that is either to defend the right against the Demandant, or to yield him other Lands, &c in value; and extends to Lands or Tenements of Freehold, or Inheritance, and not to any Chattel Real, Personal, or mixt, &c. He that *Voucheth* is called the *Voucher* (*Vocans*) and he that is *vouched* is called *Vouchee*, (*Warrantus*.) The Process whereby the *Voucher* is called, is a *Summons ad Warrantizandum*, &c. A Recovery with a single *Voucher* is, when there is but one *Voucher*; and with a double *Voucher*, is when the *Vouchee* voucheth over, and so a treble *Voucher*. There is also a *Foreign Voucher*, when the Tenant being impaled within a particular Jurisdiction (as in *London*, or the like) *voucheth* one to *Warranty*, and prays, That he may be summoned in some other County out of the Jurisdiction of that Court; which might more aptly be called a *Voucher of a Foreigner*, *De forinsecis vocatis ad Warrantizandum*. *Coke on Littl. fol. 101. b.* See *Recovery*.

Voucher, Is also used in the Statute (19 Car. 2. cap. 1.) for a Lieger Book or Book of Accomplice, wherein are entered the Acquittances or Warrants for the Accomptants discharge.

Upland (*Uplanda*) High Ground, or as some call it *Terra firma*, contrary to Moorish, Marsh, or Low Ground. —*Duramque terram novem Miliarium per aquam, de Uplanda, id est de superiori terra, scaphis deferri, & paludibus commisceri jussit. Ingulph Hist. Croyland.*

Usage. See *Prescription*.

Use (*Usus*) A Deed consists of two principal parts, namely, the *Premises*, and the *Consequents*. The *Premises* is the former part of it, being all that which precedeth the *Habendum*, or Limitation of the Estate, which are the persons contracting, and the thing contracted. The *Consequent* is the *Habendum*, in which are two Limitations; the one, of the Estate or Property which the Party Passive shall receive by the Deed; the other of the *Use*, which is, to express in the said *Habendum* to, or for what

use and benefit he shall have the same Estate. And of the Limitation of such *Uses*, you may read many Presidents in *West*, lib. 2. par. 1. sc. 308. These *Uses* were invented upon the Statute of *Westm. 3.* *Quia emptores terrarum*, before which Statute, no such *Uses* were known. And because in time many deceits were invented, by settling the possession in one Man, and the *Use* in another, *Anno 27 Hen. 8. cap. 1.* it was Enacted, That the *Use* and Possession of Lands should always stand united. See *Coke*, lib. 3. *Chudleys Case*.

User de Action, Is the pursuing or bringing an Action, in what place and County it ought to be. See *Brook*, iii. *Lieu and County*, fol. 64.

Usher (Fr. *Huissier*, i. A Door-keeper of a Court) Is an Officer in the *Exchequer*, of which there are four that attend the Chief Officers and Barons at the Court at *Westminster*, and Juries, Sheriffs, and all other Accomptants at the pleasure of the Court. There are also *Ushers* in the Kings Court, as of the Privy Chamber, &c. See *Blackrod*.

Ullact. In *Privilegio de Semplingham*. —*Sine quieti tam ipsi quam homines eorum, &c. de omnibus misericordiis & amerciamenti & forfatturi, &c. Et de murdro & latrocini & concycles & Ullad, & Hamiska, Gritkibrich, Blotwitz, &c.* Perhaps miswritten for *Village* or *Vilagat*. *Sed quare. In Ketways Report I finde Hylatch.*

Usucaption (*Usucaptio*) The enjoying a thing by continuance of time, or receiving the profits; long possession or prescription.

Usufructuary (*Usufructarius*) One that hath the use, and reaps the profit of any thing.

Usury (*Usura*) Is Money or Moneys worth, given above the principal sum for the Loan of it; otherwise called *Interest* or *Use*. *Usura si commodum certum quod propter usum rei mutuata accipitur. Coke's Rep. Paytons Case.* By the Stat. 12 Car. 2. cap. 13. no Man must take above Six pound for the forbearance of One hundred pound for a year, under the penalties therein contained. See *Cokes 3 Instit. fol. 151.* By the Stat. 3 & 11 Hen. 7. it is called *Dry Exchange*.

Utas (*Olava*) Is the eighth day following any Term or Feast, as the *Utas* of S. Michael, the *Utas* of S. Hillary, &c. whereof you may read *Anno 51 Hen. 3. Statute concerning General days in the Bench.* And any day within the Feast, and the eighth day is said, to be within the *Utas*. The use of it is in the return of Writs, as appears by the Statute. At the *Utas of the Holy Trinity*. Preamble to the Stat. 43 Edw 3.

Utensil (Fr. *Vensile*) Any thing necessary for our use and occupation: Householdstuff.

Ulfangthees (Sax. *Ulfang-heop*, i. *For extra captus*, scil. *Extra dominium vel jurisdictionem*) Is an Ancient Royalty or Priviledge granted to the Lord of a Manner by the King, which gives him power to punish a *Theif*, dwell-

ing, and committing theft out of his Liberty, if he be taken within his Fee. **Utfangthes** *dicunt extraneus latro, veniens aliunde de terra aliena, & qui captus fuit in terra ipsius, qui tales habet libertates.* Bracton, lib.2. tral.2. cap.35. Anno 27 Hen.8. cap.26.

Utlagh (*Vttagus*) An Outlaw. —*Fuit quidam Uthlagus famosissimus, partes istas frequentans propter iter communium inter Nottingham & Derby per Forestam.* Mon. Angl. 2 par. fol.61.8. a. See Outlaw.

Utlagato capiendo quando utlagatur in uno Comitatu & postea fugit in alium, Is a Writ, the nature whereof appears in the words of its name. See Reg. of Writs, fol.133.

Utland (Sax. i. terra extera) Dicebatur terra servilis seu tenementalis, quod de proximitate terrarum Dominicalem, que **Inland** nuncupata sunt, in exteriorum agrum recipiebantur. Vide Inland.

Utlary or Utlaþorȝ (*Utlagaria vel Utlagatio*) Is a punishment for him, who, being called into Law, and lawfully fought, does (after an Original Writ, with a *Nihil habet*, Three Writs of *Capias*, *Alias*, and *Pluries*, Returned by the Sheriff with a *Non est inventus*, and an *Exigent* with a Proclamation thereupon Awarded) contemptuously refuse to appear. He must also be called at Five County-Court days, a Month between each one ; and if he appear not within that time; *Pro exlege tenebitur, cum principi non obediat nec legi, & ex tunc Utlagabitur*, that is, he shall be pronounced to be out of the Kings Protection, and deprived of the benefit of the Law : The effect of which is divers, For if he be outlawed at the suit of another in a civil Cause, he shall forfeit all his Goods and Chattels to the King ; if upon Felony, then all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels. *E: tunc gerit caput Lupinum, ita quod sine judiciale inquisitione rite pereat, & secum suum judicium portet, & merito sine lege pereat, qui secundum legem vivere recusavit, &c.* Says Bracton, lib.3. tral.2. cap.11. A Minor or Woman cannot be outlawed ; but where a Man is termed outlawed, a Woman is said to be waisted. How an Outlaw is outlawed again, and restored to the Kings Peace and Protection. See Bracton, lib.3. tral.2. cap.14. And Fleta, lib.1. cap.27. & 28. See Outlaw.

Utlepe. Significat *escapium*, hoc est, *Evasionem latronum*; Fleta, lib.1. cap.47. And 18 Hen.6. Pat.2. m.22.

Utrum. See *Affise*.

Uter Barristers (*Jurisconsulti*). Are such, who for their long study and great industry, bestowed upon the knowledge of the Common Law, are called out of their contemplation to practise, and in the view of the World to take upon them the Protection and Defense of Clients. In other Countreys they are called *Licentiati in Jure*. The time, before any one ought to be called to the Bar, by the Ancient Orders, was heretofore eight

years, now reduced to seven. And the exercise done by him (if he were not called *Ex gratia*) was Twelve *Grand Moots*, performed in the Inns of Chancery in the time of the Grand Readings, and Twenty four *Petty Moots* at the Inns of Chancery in the Term times, before the Readers of the Respective Inns of Chancery. A *Barrister* newly called, is to attend the six next long Vacations, the Exercise of the House, viz. In Lent and Summer, and is thereupon for those three years called a *Vacation Barrister*. And they are called *Outer Barristers*, i. Pleaders without the Bar, to distinguish them from Benchers, or those who have been Readers, who are sometimes admitted to plead within the Bar, as the King, Queen, or Princes Council are.

W.

VV Astors (*Waftores*) Edward the Fourth constituted a Triumvirate of Officers with Naval Power, whom the Patent (22 Edw. 4. Membr.2.) styles *Custodes, Conductores, and Waftores* ; and these were chiefly to guard our Fishermen on the Coast of Norfolk and Suffolk. We still retain the word to *Waft over*, i. To Convey or Conduct over Sea.

Waga alias **Waga**, A *Weigh*, which is a Measure of Cheese, Wool, &c. containing Two hundred fifty six pound of *Averdupois*, according to *Cowell* ; or by the Statute of 9 Hen.6. cap.8. a *Weigh* of Cheese ought to contain Thirty two Cloves, and the Clove eight pound, though some say but seven. —*Unam Wagam salis desalinis suis de Terinton*, Mon. Angl. 1 par. fol.515. See *Weigh*.

Wage (*Vadiare*, Fr. *Gager*) Signifies the giving security for the performance of any thing ; as to *Wage Deliverance*, which see in *Gage* ; to *Wage Law*, see in *Law*. None *wageth* Law against the King. *Brook, tit. Chose in Aduion, num. 9.* See *Coke on Little*. fol. 294. b. Tit. *Le gager*.

Wager of Law. See *Law*.

Waif or Weyf (*Waifum*) Or goods *wasted*, are those which a Theif hath stoln, and being pursued or over-charged with the burden, flies and leaves the goods behinde him : Then the Kings Officer, or the Bailiff of the Lord of the Mannor (within whose jurisdiction they were left) who (by prescription or grant from the King, hath the Franchise of *Waif*) may seize the Goods to his Lords use, except the owner come with fresh suite after the Felon, and sue an Appeal within a year and a day, or give in evidence against him at his arraignment, and he be attainted. In which Cases, the owner shall have restitution of his Goods, though *Waif* is properly spoken of Goods stoln, yet it may be also of Goods not stoln ; as if a Man be pursued with *Hue and Cry*, as a Felon, and he

he flies and leaves his own Goods, these shall be forfeit, as Goods stoln; and are properly called *Fugitives Goods*. See Coke, lib. 5 *Fox-leys Case*.

Waifs, Things lost and Estrays must, by the Lord of the Franchise where they are found, be caused to be cried and published in Markets and Churches near about, else the year and day does not run to the prejudice of him that lost the M. Briton. cap. 17. — Plac. coram Joh. de Berewel & Sociis suis Justic. Itin. apud Salop. in Ostab. Sandi Michaelis ad Ed. 1. Rot. 29. in Dorso. Richardus fil. Alani Comes Arundel summonitus fuit ad respondent. Dominus Regi de placito quo Warranto clamat habere placita Corona & habere **Ways** in Manerio suo de Upton subitus Haweman, &c. in Com. Salop. Et Comes dicit quod ipse clamat habere **Infangenerthes & Ways**, & eadem placita & libertates habucrunt, ipse & omnes antecessores sui, & eisdem usi sunt a tempore quo non extat memoria & eo Warranto clamat, &c. Et Hugo de Lowther qui sequitur pro Domino Rege dicit quod **Wayf** est quoddam grossum de Corona, ita Corona Domini Regis annexum, quod nullus eo gaudere possit, nisi inde habeat speciale War-rantum a Domino Rege vel antecessoribus suis concessum. **Ways**, i. Si aliquis adduxerit aliqua animalia, ut oves, boves, equos & hujusmodi, vel aliquas alias res, & inde suspensus & arrestatus fuerit a Balivi Prioris donco probaverit per fidèles homines, quod illæ res furata non fuerant, & ille dimissus non redierit: Dicte res seu animalia servabuntur per unum annum & unum diem, & si ille non redierit & res suas esse probaverit, erunt Priori, &c. Si aliquis alius venerit, & res suas legitime esse probaverit, datis expensis, illas habebet. Ex Registro Prior. de Cokesford.

Wainable, That may be Ploughed or Manured, Tillable. — **Dedimus** — in loco qui vocatur Shiplade la Moreis, & la terre Wainnable, & la Bruere, &c. Carta Rogeri de Seales. Sinc dat.

Wainage (*Wainagium*) From the Sax. *pen*, i. *Plastrum*, *Vehiculum*.) Mag. Char. cap. 14. — And any others Villain, then ours shall be likewise amerced, saving his Wainage, if he fall into our merc. Sir Edward Coke (2 Part Inst. fol. 28.) says it signifies the Contentment or Countenance of the Villain. But quare whether it may not rather signify, the furniture or appurtenances of the Cart or *Wain*, wherewith he was to do Villain-service. See *Gainage* and *Wannage*.

Waitesse, Tho. Spelman, Filius Jobannis, obiit 12 Marcii, 1 Eliz. & dicitur in Inquisitione tenuisse Manerium de Narborough cum tercia parte Advocacionis Ecclesie, &c. De Domina Regina, ut de Manerio suo de Wingrave per servitium Militare, & per redditum 14 s. pro **Waitesse** & **Castlegarde**, & valet clare per annum 34 l. 17 s. 10 d. quadrantem. Pater in Schedula liberationis Joh. Spelman fratri sui, 7 Aug. 5 Eliz. Perhaps a Fee to excuse his Waiting or giving Attendance at the Castle.

Waitibaria mulieris, Is as much as *Vila-*

gatio viri. Reg. of Writs, fol. 132. **Wamp** of the Kings Liege People outlawed, and many waisted by erroneous Proces. Anno 7 Hen. 4. cap. 13. See *Ulary*.

Wakeman (Sax.) The Cheif Magistrate of the Town of Rippon in Yorkshire, so calid; quasi, Witchman. *Can. Britan.*

Wald (*Walda*) See *Weald*.

Walkers, Are those who are otherwise called *Foresters*. *Cromp. Jurisd.* fol. 145. There are Foresters assigned by the King, who are Walkers within a certain space of Ground assignd to their care.

Wall or Sea-wall (*Walla vel Wallia*.) See *Waterage*.

Walleheria or **Malecheria**. — Quod quatuor villæ propinquiores loco ubi casus homicidii vel infortuniorum contigerit, veniant ad proximum Comitatum, una cum inventore & Walleheria, i. Parentela hominis interfetti, & ibidem præsentem factum felonie & casum infortunii, &c. Reperio (says Spelman) in nota quadam A. Walleheria, i. Parentela interfetti, scilicet unus ex parte patris & alius ex parte matris. And concludes with — Significat Wallica pars ut videtur.

Wang (Sax.) A Field; also the Cheek or Jaw, wherein the Teeth are set. Hence with Chaucer we call the Check-Teeth or Grinders Wangs and Wang-teeth, which is also notified in that old way of sealing writings.

And in witness that this is sooth,
I bite the **Wax** with my Wang tooth.

See *Wong*.

Wangenetheof. — *Manciolum de A. sit quietum de Gelth & Scotch, de Wreecbo & de Wangenetheof & Danegeld*, &c. Pat. 22 H. 4. par. 1. m. 33. *Quare*.

Wannage (*Wannagium*) — Eodem anno (scil. 1198.) Rex Angl. accepit de unaquaque carucata terra five Huda totius Anglia & Sol. de auxilio, ad quos colligentes misit idem Rex per singulos Comitatus Anglia unum Clericum & etiam unum militem — Qui fecerunt venire coram se Senescallos Baronum illius Comitatus, qui juraverunt quod Carucarum Wannagia fuerint in singulis villis, &c. Ipsi vero qui electi fuerant & constituti ad hoc negotio Regis faciendum, statuerunt per estimationem legalium hominum, ad uniuscuiusque carucæ Wannagum, centum acres terræ. Hoveden. Annal. par. poster. fol. 443. num. 30. See *Wainage*. — Quod ego H. & heredes mei villæ & adiicia & Wannagia ad libitum nostrum in terris pronominatis faciemus, & claudemus xl acres terra ad excollendum vel ad tensandum, ad libitum nostrum. Mor. Angl. 2 par. fol. 612. a. Here *Wannagia* seems to signify *Wainhouses*, or necessary out-houses for Husbandry.

Wapentake (Sax. *wpen-ge-tace*, i. *Arma tradere*) Is all one with that we call a Hundred, as appears by *Braffton* (lib. 2. tract. 2. cap. 1. num. 1.) Convocentur postmodum ser-vientes & Balivi Hundredorum & per ordinem

irrotulenter Hundredarii sive Wapentachia, & nomina servientium, &c. Nominis autem origo, non ab armorum tallo, ut Hovedeno traditum; sed hinc, quod quoties novus esset Hundredus Dominus, eis subjectionis signum arma redderent vassalli, ut Ranulfo Cestriensi observatum. Lib. 1. cap. 5. Constat vox a papen, arma, Weapons; Et gatecan, Tradere, reddere, to be take. — Quod Angli vocant Hundredum, supradicti Comitatus vocant Wapentachum. LL. Edw. Conf. cap. 33. Sir Tho. Smith de Repub. Angl. cap. 16. says to this effect, That anciently Musters were taken of the Armor and Weapons of the several Inhabitants of every Wapentake, and from thos: that could not finde sufficient Pledges for their good abearing, their Weapons were taken away, and delivered to others. Lambert (in his Explication of Saxon words, verbo, Centuria) says, This word is especially used in the Counties beyond Trent. The Statutes Anno 3 Hen. 5. cap. 2. — 9 Hen. 6. cap. 10. And 15 Hen. 6. cap. 7 make mention of Staintif Wapentake, and Frendles Wapentake in Craven in the County of York. See Cam. Britan, fol. 159. And Cokes 2 Part Instit. fol. 99. Wapentak, hoc est quietancia de scellis & Hundreds quod dicitur Wapentak. MS. in Bibl. Cotton. sub tis. Vitellius, c. 9.

Waranty, (Warrantia) Is a promise or Covenant by Deed, made by the bargainer for himself and his heirs, to warrauns or secure the Bargainee and his heirs against all men, for the enjoying any thing agreed on between them. And he that makes this Waranty is called *Warrantus* by Bratton, lib. 2. ca. 19. & 37. It passeth from the Seller to the Buyer, from the Feoffer to the Feoffee, from him that releaseth, to him that is released from an Action real, and such like, and the form of it is thus *Et ego vero prefatus A. & heredes mei prædictæ quinque acres terra cum pertinencie suis præfato B. heredibus et assignatis suis contra omnes gentes warrantizabimus in perpetuum per presentes*. See Glanville, lib. 3. per totum. Bratton, lib. 5. Tratt. 4. Briton. ca. 105. & Coke, lib. 4. Nokes Case, fo. 81. a.

Waranty, Is either Real or Personal: Real, when it is annexed to Lands or Tenements granted for life, &c. and, this is either in deed, as by the word *Warrantizo* expreſſely; or in Law, as by the word *Dedi*, or ſome other amplification: Personal, which either respects the property of the thing ſold, or the quality of it. *Real Waranty*, in reſpect of the Estate, is either *Lineal, Collateral, or commencing by Difeſſion*; for which ſee Littleton in the laſt Chapter of his *Tenures*, and Coke, lib. 3. Fermors Case, fo. 78. a. Under this word *heredes* are compriſed all ſuch as the firſt *Warranters* Lands afterwards come unto, either by deſcent, or otherwise, ex cauſa lucrativa. *Warantizare nihil aliud eſt quam poſſidentem defendere*. Eleta, lib. 5. ca. 15. ſeſt. 1. Bratton, lib. 2. ca. 16. nro. 10. By what words in a Feoffment a Feoffor ſhall be bound to *Waranty*, ſee the Statute of *Bigamy*, Anno 4 Ed. 1. ca. 6. See Coke on *Lits.* fo. 365.

a. & 383. b. Item uimur, quod si aliquis puerorum nostrorum in aliquo caſe tenementa noſtrorum tangenti, vocatur ad warrantandum, non tenetur warrantizare nisi sit quatuordecim annorum. MS. Codex de LL. & Statutis Burgi-villæ Mount-gomer. a temp. Hen. 2.

There is also a *Warant of Attorney*, whereby a man appoints another to do ſomething in his Name, and *warrantibz his Action*; which ſeems to differ from a *Letter of Attorney*, which paſſeth ordinarily under the hand and Seal of him that makes it, before any credible Witnesses; whereas a *Warant of Attorney*, in a personal and mixt Action, and many real Actions, is of course put in by the Attorneys for the Plaintiffs or Demandants, Tenants or Defendants; but, a *Warant of Attorney*, to ſuffer a Common recovery by the Tenant or Vouchee, is acknowledged before ſuch persons, as a Commission for the doing thereof directeth. West. Par. 2. Symb. iii. Recoveries, ſect. 1. F. See *Attorney*, and *Letter of Attorney*.

Ward, (Sax. heabz, i. Vigilis. item *Custos*) Has divers applications, as a *Ward* in London, Latined *Warda*, which is a portion of the City committed to the ſpecial charge of one of the twenty-four Aldermen, &c. See *Stow's Survey*. Secondly, A *Foreſt* is divided into *Wards*, *Manwood*, par. 1. pa. 97. Thirdly, A *Prison* is also called a *Ward*. Lastly, The heir of the Kings Tenant, holding by Knights-service, or in Capite, or of any common person by Knights-service, was called a *Ward* during his nonage, Anno 52 Hen. 8. ca. 46. But, this laſt, with the Court of *Wards*, and all *Wardships*, &c. is taken away by the Stat. 12 Car. 2. ca. 24.

Wards and Liberties, (Wardi & liberatæ) Was a Court firſt erected in King Henry the Eighth's time, and afterwards augmented by Him, with the Office of *Liveries*, and therefore called by Him, The Court of *Wards and Liveries*, now taken away & discharged by Stat. 12 Car. 2. ca. 24.

Warrantia Chartæ, Is a *Writ*, that lies properly for him, who is encoffed in Lands or Tenements, with Clause of *Waranty*, and is impleaded in an *Aſſize*, or *Writ of Entry*, wherein he cannot vouch, or call to *Waranty*; in which case his remedy is, to take out this *Writ* againſt the Feoffor or his heir. Reg. of *Writs*, fo. 157. Fitz. Nat. Br. fo. 134. & Eleta, lib. 6. ca. 35.

Warrantia diei, Is a *Writ* lying in case, where a man, having a day affiſed personally to appear in Court to any Action wherein he is sued; is, in the mean time, by Commandment, employ'd in the Kings Service, ſo that he cannot come at the day affiſed. The *Writ* is directed to the Justices to this end, that they neither take nor record him in debate for that day, Reg. of *Writs*, fo. 18. Fitz. Nat. Br. fo. 17. & Glanville, lib. 1. ca. 8.

Warrantia Custodiz, Is a *Writ judicial*, that lay for him, who was challenged to be *Ward* to another, in reſpect of Land laid to be helder in Knights-service, which, when it was bought by the *Wards* Ancestors, was *Warranted*

to be free from such thralldome; and, it lay against the Warranter and his Heirs. Reg. jud. fo. 36. But, by the Statute 12 Car. 2. ca. 24; it is now become useless.

Wardage, (Wardagium) —Sed sint quieti de quolibet Theolunio, Tallagio, Passagio, Pedagio, Laffagio, Hidagio, Wardagio, & omnibus Geldis, Fengeldis, Horngeldis, Forgedis, Penigeldis, Lendpenigs, Hunderpenigs; Miskemellic, Wenalpeninge, Gribbregz, &c. Carta Gilberii Tison summi Vexillatoris Anglia. Sinc Dat. It seems to be the same with Wardpeny, which see.

Wardstaf. —Lambourn Mannor in Ffsex is held by Service of the Wardstaf, viz. to carry a Load of Straw in a Cart with six Horses, two Ropes, two men in Harness to watch the said Wardstaf, when it is brought to the Town of Abridge, &c. Cam. tit. Effe.

Wardfeoh, or Wardsegh. Sciant presentes & futuri quod ego Henricus de la Morton dedi —Rogero de Foresta & Johanna uxori sua pro duodecim solidis & sex denariis quæ mibi dederunt pre manibus unam acram terræ mea de tribus felionibus, &c. Reddendo inde annuatim ad Festum Sancti Michaelis mibi & hereditibus meis unum denarium pro omni servitio, berietto, relevio, warda, regali servizio, Wardsegh & pro omnimoda scelta Curia mea & heredum meorum & assignatarum nostrorum & pro omnibus consuetudinibus & excitationibus, &c. Sine dat. It signifi'd the value of a Ward, or the money paid to the Lord for his redemption from Wardship.

Warden, (Gardianus) Is all one with the Fr. Gardien, and signifies him that has the keeping, or charge of any person, or thing by Office; as Wardens of the Fellowships in London; Anno 14 Hen. 8. ca. 2. Warden-Courts, 31 Hen. 6. ca. 3. Warden of the Marches, 4 Hen. 7. ca. 8. Wardens and Communalty of the lands contributory to Rochester-Bridge, 18 Eliz. ca. 7. Wardens of Peace, 2 Ed. 3. ca. 3. Stat. Norhampton. Warden of the West-Marches, Cam. Brit. pa. 606. Warden of the Forest, Manwood, Par. 1. pa. 42. & 111. Warden of the Aulnage, 18 Hen. 6. ca. 16. Warden of the Kings Wardrobe, 51 Hen. 3. Stat. 5. Wardens of the Tables of the Kings Exchange, 9 Edw. 3. Stat. 2. ca. 7. & 9 Hen. 5. Stat. 2. ca. 4. Wardens of the Rolls of the Chancery, 1 Ed. 4. ca. 1. & 5. Warden, or Clerk of the Hanaper of the Chancery, ibidem. Warden of the Kings Writs and Records of his Common Bench, ibidem, Warden of the Kings Armour in the Tower, 1 Ed. 4. ca. 1. Warden of the House of Converts, 12 Car. 2. ca. 30. Warden of the Stanneries, 14 Car. 2. ca. 3. See Gardian.

Wardmote, (Wardemotus) Is a Court kept in every Ward in London (Anno 32 Hen. 8. ca. 17.) ordinarily cal'd among them the Wardmote Court. vide Cart. Hen. 2. de libertatis London, where there are 26 Wards, which are as Hundreds, and the Parishes as Towns 4 Inst. fo. 249.

Wardpeny, alias Warpen, & Warthpeny. Denarii vicecomitis vel alius Castellanis persolui

ob castrorum præsidium, vel excubias agendas. —Concedo etiam eidem Ecclesiæ leugam circumquaque adjacentem liberam, & quietam ab omni geldo & scitu & Hidagio & danegeldo & opere ponium & Castellorum & parcorum & omnibus auxiliis, placitis, & querelis, & sibi, & Hundredis; cum sacra & soca, & Thol & Theam, & Infangibio & Warpeny, & Lestage, & Ham-socie, & forstal, & Bludwuite, &c. Chart. Gul. Cong. Ecclesiæ S. Martini de Bello. —Retinus vero mibi & hereditibus meis **Wartpeny** & **Peterspeny**, de prædicta terra. Carta Bertrandi de Verdon. penes W. Dugdale Ar.

Wardwite, Significat quietantiam misericordie in casu quo non invenerit quis hominem ad Wardam faciendam in castra vel alibi. Fleta, lib. 1. ca. 47. Immunitas a præsidio faciendis, vel ab eorum contributione. Spelm.

Warectum, & terra warecta, (Fr. Terre garree) Land that has been neglected, and long until'd; also Fallow ground. Tempus warecti, in ancient Records, signifies the time wherein Land lies Fallow, the Fallow year, or season for Fallowing Land. —In Warectis, in brucris, in bosco, in marisco, in defensis, et in omnibus terris, &c. Mon. Angl. 2. Par. fo. 253. a. —xxv acres uno quoque anno ad seminandum, et totidem ad Warectandum. Idem. 1. Par. fo. 523. b. See Ternagium.

Waren, (Varennna, from the Germ. Wah-ren, i. Custodiæ) Is a Franchise, or place priviledg'd, either by prescription or grant from the King, to keep Beasts and Fowle of VVaren, which are Hares and Conies; Partridges and Feasants. If any person offend in such Free-waren, he is punishable for the same by the Common-Law, and, by Statute 21 Ed. 3. called the Statute de malefactoribus in parcis et chaceis, &c. Videtur tamen Justiciariis hic et Concilio Dom. Regis, quod Capreoli sunt bestiae de Warennæ et non de Foresta, eo quod fugant alias bestias de Warennæ Hill. An. 13 Ed. 3. Ebor. Rot. 136.

Warnoth, —Inter Record. de Recept. Seacc. Trin. 32 Ed. 1. Line. 46. coram Rege, I find it to be an ancient Custom, whereby, if any Tenant, holding of the Castle of Dover, fail'd in paying his Rent at the day, he should forfeit double, and, for the second tailer, treble, &c. And, in Mon. Angl. 2. Par. fo. 589. a. —Terris cuttis & terris de Warnoth

War-scat, Was the contribution that was made towards Arnor, or War, in the Saxons time. Sint omnes tam primarii quam mediocres et minutis, immunes, liberi et quieti ab omnibus provincialibus, summonitionibus et popularibus placitis quæ Hundredaghe Angli dicunt, et ab omnibus armorum oneribus, quod War-scot Angli dicunt et forinsecis querelis. LL. Forest. Canuti Regis. num. 9.

Warwit. See Wardwite.

Wate (Vastum, Sax. paft) Hath divers significations; first, it is a ipoil made either in Houses, Woods, Lands, &c. by the Tenant for life or years, to the prejudice of the Heir, or of him in the Reversion or Remainder. Kitkin, fol. 168, &c. Whereupon the Writ of Y y y VVaste

Waſte is brought for recovery of the thing wasted, and treble damages. See *Vaſto*. *Waſte* of the Forest, is most properly, where a Man cuts down his own Woods within the Forest, without Licence of the King or Lord Chief Justice in Eyre. See *Manwood*, 2 Part, cap. 8. num. 4 &c.

Secondly, *Waſte* is taken for those Lands which are not in any one Mans occupation, but lie common, which seem to be so called, because the Lord cannot make such profit of them, as he does of his other Lands, by reason of that use which others have of it, in passing to and fro. Upon this none may build, cut down Trees, dig, &c. without the Lords Licence.

Thirdly, *Year, day, and Waſte*, (*Annum, Dies, & Vaſtum*) Is a punishment or forfeiture belonging to Petit-Treason or Felony, whereof you may read *Stamf. Pl. Cor. lib. 3. cap. 30.* And see *Year, Day, and Waſte*.

Waſte-ground (*Vaſtus fundus*) Is so called, because it lies as *Waſte*, with little or no profit to the Lord of the Mannor, and to distinguish it from the Demefns in the Lords hands. 2 Part Inst. fol. 656. See *Waſte*.

Waſtors (*Anno 5 Edw. 3. cap. 14.*) Were a kinde of Theeves so called. — *There habeā* (says the Statute) *divers Man-slaughers, Felonies, and Robberies done by People, called Roberdsmen, Waſtors, and Deat-latches.* 4 Hen. 4. cap. 27.

Waſtel Bread (*Anno 51 Hen. 3. Statut. of Bread*) *Forte a Waſten, Belgie jejunare;* unde illis *Waſtelabond*, Shrovetide. *Vox autem unde veniat, non liquet*, says the *Gloss.* in *x. Scriptores*. See *Cocket*.

Water-bailiffs, Seem to be Officers in Port-Towns, for the searching of Ships. *Anno 28 Hen. 6. cap. 5.* Also an Officer so called belonging to the City of London, who hath the supervision and search of Fish brought thither, and the gathering of the Toll, rising from the Thames. He also attends on the Lord Major for the time being, and hath the principal care of Marshalling the guests at his Table, and doth Arrest Men for debt, or other personal or criminal Matters upon the River of Thames, by Warrant of his Superiors.

Waſtergage (*Waſtergagium & Aquagagium*) A Sea-wall or Bank to stop or restrain the current, or overflow of the Water; also an Instrument to gage or measure the profundity or quantity of any Waters.

Waſtergang (*Waſtergangum, Sax. pætegang, i. Dœcurjus aquæ*) A Trench, Trough, or Course, to carry a Stream of Water: Such, I conceive, as are usually made in Sea-walls, to loose and drain Water out of the Marshes. Some Authors confound this with *Waſtergage*, but they seem to have different significations. *Carta Hen. 3. De Ordinatione Marisci de Romency, &c. Ad reparandum Wallias & Waſtergangias ejusdem Marisci contra Maris periculum.* — *Omnibus Baliviis de Befintone, Robertus de Curci salutem, Mando vobis atque præ-*

cipio, quatenus justiciis meos homines de Suargate, ut faciant Wallas & Watergangas & clausuras Wallarum, sicut debent facere, & si facere muluerint, tum justiciis illos ut faciant, &c. Mon. Angl. 2 par. fol. 920. b.

Waſtergabel, — *Henricus Rex, salutem. Sciatis nos dedisse dilecto & fideli nostro Huberto de Burgo, Comiti Kantiæ, & Margaritæ uxori sue redditum xxxii s. & iv d. quem homines corundem Huberti & Margaritæ de Mauerio suo de Elmour nobis reddere solebant singulis annis per manum Balivi nostri de Mentreworth, nomine Waſtergabel, Habend. &c. Dat. 15 Hen. 3.* This was a Rent paid for fishing in, or other benefit received from, some River or Water.

Watlingſtræt (*Anno 39 Eliz. cap. 2.*) Is one of those four ways, which the Romans are said to have made here, and called *Consulares, Pratorias, Militares, Publicas*. This Street is otherwife called *Werlamſtrete*, and leads from *Dover to London, Donſtable, Toucer, Atterton, and the Severn, near the Wreckyn in Shropshire, extending it ſelf to Angleſey in Wales.*

The second is called *Ikenildſtrete*, stretching from *Southampton over the River Iſis, at Newbridge; thence by Camden and Lichfield, then it paſſeth the River Derwent near Derby, ſo to Bolesover Castle, and ends at Tinmouth.*

The third was called *Foſſe*, because in ſome places it was never perfected, but lies as a large *Ditch; leading from Cornwall, through Devonshire to Tetbury, near Stow in the Wolds; and besides Coventry to Leiceſter, Newark, and ſo to Lincoln, &c.*

The fourth was called *Ermin* or *Ermineſtrete*, stretching from *S. Davids in West-Wales unto Southampton. See LL. Edw. Conf. cap. 12. whereby theſe Quatuor Chemini, or Four Publick Ways had the priviledge of Pax Regis.*

Waſshot or Waſcot (*Ceragium*) *Tributum quod in Ecclesiis pendebatur, ad ſubministracionem ceræ & luminarium. Waſ, cera & Shot, ſymbolum.* Hac autem ſolutione multiſe conſident immunes eſſe a minoribus quibusdam decimis perſolvendis. Ejusdemque generis ſunt, qua alias *Cock, & Waſ, alias Paineſpoſt* appellantur. Spelman. This *Waſcot* was anciently paid thrice a year towards the charges of Candles in Churches.

Waſ. See *Chamin.*

Wilde (ſo ſo they anciently wrote) *Wod.* See *Strond.*

Weald or Weld (*Sax. pealb, i. Sylva, defertum*) Is the Woody part of a Country, as the *Weald of Kent. Cam. Britan.* pag. 247. *Anno 26 Hen. 8. cap. 7.* In the Collection of Statutes, 14 Car. 2. cap. 6. It is mis-printed *Wildes of Surrey, Sussex or Kent, for Wealds.*

Wear or Were (*Wera & Wara, Sax. pæp*) A Stank or great Dam in a River, well known, accommodated for the taking of Fish, or to convey the stream to a Mill. — *Unam Waran & duas Corlandas cum Dominio & prato.* Mon.

Mon. Angl. 2 par. fol. 128. And I have seen an old Deed with Boera stans in aqua, supposed to signify a Wear. See *Kiddel*.

Weif. See *Waif*.

Weigh (*Waga*) Is a Weight of Cheese or Wool, containing Two hundred fifty six pounds of *Avoir du pois*. See *Waga*. *Cokes* 12 R.p. fol. 17. mentions Eighty Weigh of Bay-Salt. See *Waga*.

Weights (*Pondera*) There are two sorts of them in use with us: The one called *Troy Weight*, which hath Twelve ounces to the Pound, by which, Pearl, Precious Stones, Electuaries, and Medicinal things, Gold, Silver, and Bread, are weighed: The other *Avoir de pois* containing Sixteen ounces to the pound, by which all other things are weighed, that pass by weight. *Geo. Agricola* in his Learned Tract *Dc ponderibus & mensuris*, pag. 339. termeth the Pound of Twelve ounces *Libram Medicam*, and the other *Libram Civilem*, saying thus, *Medica et Civilis Libra, numero non gravitate unciarum differunt*. By these words *Avoir du pois* are sometimes signified such merchandise as are bought and sold by this kind of Weights. The first Statute of York, 9 Edw. 3. in Proam. 27 Edw. 3. stat. 2. cap. 10. And 24 Hen. 8. cap. 13.

All our Weights and Measures have their first composition from the Penny Sterling, which ought to weigh Thirty two Wheat Corns of a middle sort, Twenty of which pence make an ounce, and Twelve such ounces a Pound; but Fifteen ounces make the Merchants Pound, (*Fleta*, lib. 2. cap. 12.) which (though an ounce less) should probably be all one in signification with *Avoir du pois*; and the other Pound, called by *Fleta*, *Trome Weight*, plainly appears to be all one, with that we now call *Troy Weight*. See *Tronage*. From henceforth there shall be one Weight, one Measure, and one Pard, according to the Standard of the Exchequer, throughout all the Realm, &c. Anno 17 Car. 1. cap. 19.

Weights of Auncel (*Anno 14 Edw. 3. stat. 1. cap. 12.*) See *Auncel Weight*.

Weythe. — *Et omnia animalia advenientia fugitiva, Galice Weythe, in toto Hundreto de Halton.* *Mon. Angl.* 2 par. fol. 187. b. See *Waif*.

Wend (*Wendus, i. Perambulatio, circuitus*, from the Sax. *pendan*, to *Wend*, Meare) *Pro- cinctus terra amplior, plurima juga in se conti- nens.* *Rentale Regalis Manerii de Wy*, pag. 31. — *Tres sunt Wendi, viz. Downwend, Chil- tones Wend, & Baconsford Wend, & in quo- libet Wendo sunt decem juga, & sic in tribus Wendi sunt 30 juga, quorum 26 juga & dimid. sunt in Wy, &c.* Et infra. *Quilibet Wendus faciet 10 averagia semper de tribus septimanis in tres, &c.*

Were alias *Wierre* (Sax. *pepe* & *pesa*, i. *preium*) Signifies as much as *estimatio capitinis* or *preium bonini*, that is, so much as one paid in ancient time for killing a Man; when such crimes were punished with pecuniary

muls, not death. In *LL. Edw. Conf. cap. 11.* We read — *Were suum id est, Pretium sue redēptionis*, his ransom. — *Si quis ante Comitem in placito pugnaverit, emendet secundum preium sui ipsius & foris facturam, quod Angli dicunt pepe & pite.* *Can. LL. MS. pag. 150.* In which words the Saxon *p* (w) is often mis- taken into *p*, and written *Pere* and *Pite*. See *Pere* and *Pite*, and see *Gavelot*.

Wiergelt-thef. *Significat latronem qui redi- mi potest.* *Fleta*, lib. 1. cap. 47. also.

Wiergild, wergeld (*Wergildus*) *Pretium seu valor hominū occisi, homicidii precium;* which was paid partly to the King, for the los of His Subject, partly to the Lord, whose Vassal he was, and partly to the next of kin. — *Qua- dam (crimina) emendari non possunt; qua junt Husbzech, Bernet & Openthes, & Chere- mozb, & Lafordeth, & infra dictio pacis Ecclesie, vel per Manus Regis per homicidium.* *LL. Hen. 1. cap. 13.* In which Chapter, the crimes are enumerated, which might be redeemed per *Weram*. — *De unoquaque fure per totam Scotiam est Wiergelt 30 Vacca & una juventa, five fuerit liber homo five servus.* *Reg. Majest. lib. 4. cap. 19.* The *Wiergild* of an Archbishop and of an Earl was 15000 *Iibrimfa's*. *Seldens Titles of Honor*, fol. 604.

Wieretoff. — *Et sint quieti de communi misericordia Comitatus, de Wardpenny & Aver- penny, de Hundredpenny, & Thirdingpenny, de Wieretoff & de Forfeng.* *Carta Hen. 1.* from the Sax. *pepe-to-pon*, i. To take a ransom or price for killing a Man. See *Were*.

Werbagium. — *Cuna omnibus aliis consue- tudinibus, legibus & libertatibus suis & Werva- gio suo bi lande & bi strandae.* *Carta Hen. 3. Leveshamensis Canob.* Quare.

West Sarlonlage alias West Degenlage, Was the Law of the West Saxons. See *Merenlage*.

Westminster (*Westmonasterium*) *Sax. West- mynster, i. Occidentale Monasterium*) Was the ancient Seat of our Kings, and is now the well known place where the High Court of Parliament, and Courts of Judicature sit: It had great Priviledges granted by Pope Nicholas, among others — *Ut amplius in perpetuum Regia constitutionis locus sit atque depositum Regalium Insignium.* Ep. ejus ad div. Edovard. Concil. Tom. 3. B. fol. 1228. See *City*. And 4 Inst. fol. 255.

Wrietcroft. — *Habebit mensuram unam, sc. Wrietcroft, cum orto, ubi possit manere, &c.* *Mon. Angl. 2. par. fol. 40. b.*

Wharf (*Wharfa*) Is a broad plain place near a Creek or Hithe of the Water, to lay Wares on, that are brought to, or from the Water. *New Book of Entries*, fol. 3. *Anno 12 Car. 2 cap. 4.*

Wharfage (*Wharfagium*) Is Money paid for Landing Wares at a Wharf, or for Shipping or taking Goods into a Boat or Barge, from thence. It is mentioned *Anno 27 Hen. 8. cap. 26.* And 22 *Car. 2. cap. 11.*

Wharfinger,

Wharfinger. Is he that owns or keeps a Wharf, or hath the over-sight or management of it. *Anno 7 Edw. 6. cap. 7. 12 Car. 2. cap. 4.* And *22 Eusdem. cap. 11.*

Whelage (*Rotaticum. Fr. Rouage*) *Tributum est quod rotarum nomine penditur; hoc est, pro plastris & carris transvectibus. Spelm.*

Whitehart-silver (*Candidi cervi argentum*) Is a Tribute or Mulet paid into the Exchequer, out of certain Lands in or near the Forest of Whitehart; which hath continued from Henry the Third's time, who imposed it upon Thomas de la Linde, for killing a most beautiful White Hart, which that King before had purposely spared in Hunting. *Cam. Brit. pag. 150.*

Whiterent. See *Quirrent.*

White Spurs, A sort of Esquires so called. See *Esquires.*

White-straits, A kinde of coarse Cloth, made in Devonshire, of about a yard and half quarter broad raw; and mentioned *Anno 5 Hen. 8. cap. 2.*

Whitton-farthings (*see Pentecostals*) mentioned in Letters Patent of Henry the Eighth, to the Dean and Chapter of Worcester.

Widow of the King (*Vidua Regis*) Was she, who after her Husbands death, being the Kings Tenant in Capite, was driven to recover her Dower by the Writ *De Facto Assignanda*, and could not marry again without the Kings consent. *Stamf. Prerog. cap. 4.* see the Statute of the Prerog. *Anno 17 Edw. 2. Mag. Char. cap. 7.* And *32 Hen. 8. cap. 46.*

Widowhood (*Viduitas*) The state or condition of a Widow. *Sciens presentes & futuri, quod ega Margeria quia fui uxor Ricardi Smith de Bircbore (Com. Heret.) in Viduitate & in legitima potestate mea, remisi, relaxavi, &c. Dat. apud Bircbore die Dominica in Festa Nativitatis Sancti Johannis Baptista, Anno 9 Hen. 4.*

Will or Last Will (*Testamentum, ultima voluntas*) Is of two sorts, a *Will in Writing*, called also a *Testament*, and a *Will by word of mouth only*, called a *Nuncupative Will*, which being proved by witnesses, may be of as good force, as that in writing; except only for Lands, which are not devisable, but by a Testament put in writing in the Life of the Testator. See *Touchstone of Wills, pag. 2.*

and unwoorthi to be cleppyd a Cristen man, make and ordeyne my Testament, and my last will in this manere.

At the begynnyng, I most unwoorthi and Goddis tratour, recommaund my wzechid and lysule Sowle body to the grace, and to the grete mercy of the blesfull Trynytie; and my wzechid careyne to be beryed in the ferhest corner of the Chircheperd, in which parische my wzechid soule departeth fro my body.

And I pray and charge my Superbisors and my Executores as they wullen answere to forse God, as all myne hole trest in this matere is in hem, that on my stinking careyne be neþter leyd clothe of gold ne of silke, but a blake clothe, and a Laper at myne hed, and another at my fe, ne none ne other thinge, wherby eny man may witte where my synkyng careyne liggeth. And to that Chirche do myne Executores all thingis which oþer duly in such caas to be don, without eny more cost saaf to poze men.

And also I pray my Superbisors and myne Executores that eny dette that eny man han age me by true title, that hit be payd. And yf eny man kan trewly say that I habe do him eny harme in body or in god, that ye make largely his græt whyles the godys wole streche.

And I wole alsoe, that none of myne Executores meddle or mynystre eny thinge of my godys withoutyn abyde and consent of my Superbisors or sum of hem.

Now first I bequeathe to Sire Phylippe la Vache knyght my Massle-boke, and my Portos; and my boke of Tribulacion to my daughter hys wif.

Et quicquid residuum fuerit omnium & singularum honorum & catalogorum superius seu inferius non legatorum, do integre & lego Philippo la Vache, Jonanni Cneynee & Thomae Clanvow militibus libere sibi posseidendum, &c.

Probatum, &c. 5 Dec. An. 1404.

Waigrebe (a *Wig vel twic, quod Sylvam sonat*) An overseer of a Wood, a Woodward. Thus Spelman. But *pig* in Saxon signifies *Via*; so it may rather signify an Overseer of the Highways.

Winches (*Anno 21 Jac. cap. 32.*) A kinde of Engin to draw Barges up the Water against the Stream.

Winkinga. —*Et dedi eis totas Winkingas in Boſcbis & Planis. Mon. Angl. 1 par. fol. 592. b. Qære.*

Winter-heynning (*Anno 20 Car. 2. cap. 3.*) Is from the Eleventh day of November, to the 23 of April; which time, is by the said Act excepted from the liberty of Commoning in the Forest of Dean.

twisgiltheſ

Ex codice MS. nuncupativo
March penè Registrar. Curiæ
Prærog. Domini Archiepis.
Cantuar. Qu. 7.

In nomine Patris & Filii & Spiritus Sancti,
Amen. The seventeenth day of September,
the yer of our Lord ihu Crist a thousand
four hundred and four, I Lowys Cly-
forth fals and traptour to my Lord God,
and to alle the blessed company of Hevene,

Wifgylthes, (*Vale royal*, pa. 113.) Perhaps mistaken for *Weregylthef*, which see.

Wite, (Sax.) Punishment, pain, penalty, a fine or mulct. Hence our *Wite*, *Witfree*, one of the terms of Priviledge granted to our *Portsmen*; signifying a freedom or immunity from Fines or Amercements; not, (as it is vulgarly accepted and construed among them) from being liable to be beg'd for tooles for lack of *wit* or understanding. *Sax. Dift.* See *Wyte & Glos.* in *se. Scriptores*.

Witterden, alias **Witereden & Winterden**, Was a kind of taxation among the *West-Saxons*, imposed by the publick Counsel of the Kingdom. For *pite* and *pitān* signific *majores regni*, and *Pætan, concilium*. *Charta Ethelwulfi Regis catholica, apud Malm. de gest. R. lib. 1. pa. 41.* — *Manfus* (sc. quavis Ecclesiæ attingata, Sit tuta & libera ab omnibus secularibus ferentiis,) *Nec non regalibus tributis, majoribus & minoribus, sive taxationibus, que nos dicimus Wittereden, &c.*

Witternam, (*Vetitum namium*, *Sax. pypc, contra, & Pm, captio, i. Reprisals*) Is the taking or driving a distret to a Hold, or out of the County, so that the Sheriff cannot, upon the Replevin, make deliverance thereof to the party distrein; In which case the Writ of *Witternam*, or *de vetito namio* is directed to the Sheriff, for the taking as many of his Beasts as did thus unlawfully distrein, or as much goods of his, till he has made deliverance of the first distret: Also, if the Beasts be in a Fortlet or Castle, the Sheriff may take with him the power of the County, as appears by the Statute *VVestm. 1. ca. 20.* & *Briton. ca. 27.* *Witternam*, (in *Braston, lib. 3. tract. 2. ca. 37.* and in *VVestm. 2. ca. 2.*) seems to signify an unlawful distret, made by him that has no right to distrein. *Anno 13 Ed. 1. ca. 2.* See the *New Book of Entries* on this word.

Woad, (*Glastrum*) Is an Herb like Plantain, growing in some parts of England, the parts of *Toulouse* in France, and in Spain, much used for the dying a blew colour, *Anno 7 Hen. 8. ca. 2.* we call it *woad*, from the Italian *Guado*.

Wold, (Sax. *Walda*,) A Plain, a Down, an open Champian ground, Hilly, and void of Wood; as *Stow in the Wolds*, and *Cotswold* in Gloucestershire. This is sometimes misunderstandingly confounded with *VVeld*.

Wong, (Sax. *Pang*,) A Field. *Tres acrea terra jacentes in lez wongs, i. In campis opinor seminalibus, magis quam pascuis, fayes Spel.* So in an ancient Charter of *Garradon-Abby* in Leicestershire, *Dat. 14 Ed. 3.* There is mention of the *wicket-wong*, which is a large piece of enclosed ground, lying before the Abbey-gate, still retaining the name. See *VVang*.

Woodgeld, (*Voodgeldum*) Seems to be the gathering, or cutting wood within the Forest, or Money paid for the same, to the Foresters. And the immunity from this by the Kings Grants is by *Crompton* called *Woodgeld*, *fo. 157.* *Coke* (on *Litt. fo. 233. 2.*) fayes, it signifies to

be free from payment of money for taking of *VWood* in any Forest.

Woodmen, Are those in the Forest, who have charge especially to look to the Kings woods. *Crom. Jur. fo. 146.*

Woodmote Court, Is the Court of Attachment of the Forest. *Manw. Par 1. pa. 95.* See *Attachment*.

Wood-plea Court, Is a Court held twice a year in the Forest of *Clun*, in *Com. Salop*, for determining all matters of *wood* and *agistment* there; and, was anciently perhaps the same with *VWoodmote Court*.

Woodward, (*VWoodwardus*) Is an Officer of the Forest, whose Function you may understand by his Oath, set down in *Crom. Jur. fo. 141.*

You shall truly execute the Office of a VVoodward of B. woods, within the Forest of VV. so long as you shall be Woodward there; you shall not conceal any offence, either in *Vert* or *Venison*, that shall be committed or done within your charge; but you shall truly present the same, without any favour, affection or reward: And, if you see or know any Malefactors, or find any Deer killed or hurt, you shall forthwith do the Verderor to understand thereof; and, you shall present the same at the next Court of the Forest, be it *Swainnote* or *Court of Attachments*; So help you God.

VWoodwards may not walk with Bow and Shafts, but with *Forest Bills*. *Manwood, par. 1. pa. 189.* *Arcum & calamos gestare in Foresta non licet, sed (ut rescripti utar verbo) Hachettum tantummodo.* Sic *Term. Hill. Anno 13 Ed. 3. Ebor. rot. 106.*

Wool-dibbers, (*Anno 2 & 3 Pb. & M. ca. 13.*) Are those that buy Wool, abroad in the Country, of Sheeppasters, and carry it on horseback to the Clothiers, or to Market-Towns to sell again.

Woolstaple, (*Anno 51 Hen. 3. Stat. 5.*) That City or Town where *wooll* was sold. See *Staple*.

Wool-winders, Are such as *wind* up every Fleece of *wooll* that is to be packed and sold by weight, into a kind of bundle, after it is cleansed in such manner as it ought to be by Statute; and, to avoid such deceit, as the owners were wont to use, by thrusting in locks of refuse wool, and other dross, to gain weight, they are Sworn to perform that office truly between the owner and the buyer. See the Statute *8 H. 6. ca. 22.* — *23 Hen. 8. ca. 17.* and *18 Eliz. ca. 25.*

Wranglands, Seem to be misgrown Trees, that will never prove timber. *Kitchin, fo. 169. b.*

Wreck, (*Wreccum maris*. *Sax. ppæc, i. Dorsatum, abdicatum,*) Is, where a Ship is perish'd on the Sea, and no man escapes alive out of it, if any part of the Ship, or any of the Goods that were in it are brought to Land by the Waves, they belong to the King by His Prerogative,

gative, or to such other person to whom the King has granted **Wreck**. But, if a man, a Dog or a Cat escape alive, so that the owner come within a year and a day, and prove the Goods to be his, he shall have them again by provision of the Statute of *Vestm.* 1. c. 4. & 17 Ed. 2. ca. 11. See Coke, Vol. 6. fo. 106. a. Bracton, lib. 2. ca. 5. num. 7. *Edouardus Conf. Ringsted cum libertate adjacentem & omni maris ecclesie, quod Wrec dicitur, Ecclesia Ramensis largitus est.* Lib. Ramelien. Sect. 95. By which, and other Antiquities, it appears, that *Vrec* did not only comprehend Goods that came from a perishing Ship, but whatever else the Sea did cast up on the Land, were it precious Stones, Fishes, or the like. For, in the *Statuto Prerog. Regis*, ca. 11. we read —*Rex habebit Wreckum maris per totum regnum, Balenes & Sturgiones captas in mari, vel alibi infra regnum, exceptis quibusdam privilegiatis locis per Regem.* —See Rot. Cart. 20. Hen. 3. m. 3; & Rot. Cart. 4 Hen. 3. m. 6. & Pat. 40. H. 3. in Dorse, m. 1. This in the *Grand Cusomary of Normandy*, ca. 17. Is called *Warech*, and Latinized *Wreiccum*; and in some of our ancient Charters it is written *Seupwerp* quasi *Sea-up-werp*, i. *Ejectus mari*; from *Up-werpen*, *ejectare*. In the Statute 27 Hen. 8. ca. 26. it is called *Vrike de mer*. See 2 Inst. fo. 167.

Writ, (*Breve*) Is the Kings precept, whereby any thing is commanded to be done touching a Sute or Action, as the Defendant or Tenant to be summoned, a Distress to be taken, a Distressin to be redressed, &c. And these *Writs* are variously divided in divers respects; Some in respect of their order, or manner of granting, are termed *original*, and some *judicial*. *Original Writs* are those, which are sent out of the high Court of Chancery, for summoning the Defendant in a personal, or Tenant in a real Action, before the Sute begins, or to begin the Sute thereby. Those are *Judicial*, which are sent out by order of the Court, where the Cause depends, upon emergent occasion after the Sute begun. *Old Nat. Br.* fo. 51, & 147. And, *judicial* are thus known from *original*, because their *Teste* bears the name of the Chief Justice of that Court, whence it comes, whereas the *original* faith, *Teste meipso*, in the name, or relating to the King, and, according to the nature of the Action they are personal or real; *real* are either touching the possession called *Writs of Entry*; or the property, called *Writs of Right*. Some *Writs* are at the Sute of the Party, some of Office. Some ordinary, some of privilege. A *Writ of Privilege* is that which a *privileg d* person brings to the Court for his exemption, by reason of some privilege. See *Procedendo*, and *New Book of Entries*, verbo, *Privileg*. See *Brief*.

Writ of Rebellion. See *Commission of Rebellion*.

Writ of Assistance, issues out of the Exchequer, to authorise any person to take a Constable, or other publick Officer to seize Goods or Merchandise prohibited and uncommoded, &c. Stat. 14 Car. 2. c. 11.

Writer of the Tallyes, (*Scriptor Taliarum*) Is an Officer in the Exchequer, being Clerk to the Auditor of the Receipt, who writes upon the *Tallyes* the whole Letters of the Tellers Bills.

Wludhepec. See *Pudbebeck*.

Wulbeshebed, (*Contractum Wulveshead*, (Sax. *pus, lupus & leopodus, caput, i. Caput lupinum,*) Was the condition of those, who were outlaw'd for Criminal matters in the Saxons time, for not yielding themselves to Justice. For, if they could have been taken alive, they must have been brought to the King; and, if they for fear of being apprehended did defend themselves, they might be slain, and their heads brought to the King; For, their head was no more to be accounted of, than a *Vwolfs head*. LL. Edw. set forth by Lamb. fo. 127. b. num. 7. and Bracton, lib. 3. Tract. 2. ca. 11. See *Vilary*. *Vi volfeshead* & *Vulferford*, are all one. *Coke on Litt.* fo. 28 b.

Wipke, (*Vikka*) A Farm, or little Village. —*I & tuisum Wykam cum bonisibus, &c.* Mon. Angl. 2 Par. fo. 154.

Wipte, or **Wite**, (*Witta vel VVita* Sax. *pice, i. Pana, multa*) Saxones duo multorum genera statuerunt; **Wleram** & **Wptam**. *Wera mortis reos & gravissime peccantes liberabat. Wta medius & leboribus delictis statuta fuit, non certa sed pro qualitate committi; alias gravior, alias lebor; salvo tamen semper contencimento delinquentis (ut lex loquitur in Mag. Char. ca. 14.) hoc est, estimatione ejus, Anglice, his Countenance.* —*Ex his placitis quadam emendantur centum solidis, quadam Wera, quadam Wyta, quadam emendari non possunt. Leg. Hen. 1. ca. 13.* —*Emendet juxta orationis dignitatem, sive per redemptionem, i. Were; per forisfaturam, i. Wite; per Legis transgressionem, i. Lasblite.* MS. de LL. Canuti in Bibl. Cotton. Sub tit. Vitellius, C. 9.

Woldham 67 10.

X.

Xenia, *Dicuntur munuscula que a Provincialibus Rebus Provinciarum offerebantur. Vox in Privilegiorum Chartis non infusa; ubi quietos esse a Xeniis, immunes notat ab bujusmodi muncribus aliquique Donis Regi vel Reginae praefandis, quando ipsi per pradis Privilegiorum transserunt; ut in Chart. Domini Semplingham. Principibus enim olim fuit in more, a subditis vel invitatis munera extorquere. Itaque ab hoc iugo liberos fecit Ecclesiasticos Æthelbaldus Rex Merciorum Anno 749. ut ab exemplari Charta sua cum apud Ingulphum Sacrum Wil. Malmesb. Lib. de Gestis Reg. Angl. p. 29. 1.4. His verbis habetur.* —*Concedo ut omni Monasteria & Ecclesia Regni mei a publicis rebus operibus & oneribus absuluantur — Nec munuscula praebant Regi vel Principibus, nisi voluntaria. Spelm.* —*Nulla autem persona parva vel magna ab hominibus &*

terre Radingensis Monasterii exigat, non equitationem sive expeditivem non summagia, non vcligalia, non nazigia, non opera, non tributa, non Xenia, &c. In Memorand. Scacc. de Anno 20 Edw. 3. Trin. Rot. 3.

Y.

V A & Nay — *Quod homines sui (Riponitenses) sint credendi per suum Ya & per suum Nay in omnibus querelis & Curiis, licet tangen.* Freedmozel, &c. Carta Athelstani Regis.

Pard (*Virga*) Is a well known measure of three foot in length, which (according to Sir Richard Baker) Henry the First ordained by the length of his own Arm. See *Virga ferrea*.

Paid Land (*Virgata Terra*, a Sax. *Ypnd*, i. *Virga*) Is a quantity of Land, various according to the place. As at Wimbledon in Surrey it is but 15 Acres, in other Counties 20, in some 24; in some 30, and in others 40 Acres. *Virgata terra continet 24 acres, & 4 virgatae constituent unam Hidam, & quinque Hidæ constituent feedum militare.* MS. Abbatis Malm. b. 27. This *Yardland*, *Bratton* (lib. 2. cap. 10. & 27.) calls *Virgatam Terra*; but expresseth no certainty what it contains. It is called a *Verge of Land*. Anno 28 Edw. 1. Statute of Wards. See Seldens Titles of Honor, fol. 622.

Pear and day (*Annus & dies*) Is a time, that determines a right in many cases, and is in some an usucaption, and in others a prescription; as in case of an *Estray*, if the owner (Proclamation being made) challenge it not within that time, it is forfeit: So is the *year and day* given, in case of *Appeal*, of *Descent*, after entry or claim, of *Non claim* upon a *Fine*, or *Writ of Right*, of the death of a Man, sore bruised or wounded; of *Protections*, *Effoigns*, in respect of the Kings Service; of a *Wreck*, and divers other cases. Coke, Vol. 6. fol. 107. b. and 3 Inst. fol. 53.

Pear, Day, and waste, (*Annus, dies, & vastum*) Is a part of the Kings Prerogative, whereby he challengeth the profits of their Lands and Tenements, for a year and a day that are attainted of *Petit-Treason*, or *Felony*, whosoever is Lord of the Mannor, whereto the Lands or Tenements do belong; and not only so, but in the end may waste the Tenement, destroy the Houses, Root up the Woods, Gardens, Pature, and Plough up the Meadows, except the Lord of the Fee agree with him for redemption of such *Waste*; afterwards restoring it to the Lord of the Fee, whereof you may read at large *Stampf. Prerog.* cap. 16. fol.

Pelding or Peilding, and Paping (*Redendo & solvendo*) Is a corruption from the Sax. *Gelban* and *Gylban*, *Solvere, prestare*. And in

Domesday Gildare, is frequently used for *solvere, reddere*; the Saxon *G* being often mistaken into Y.

Peme, Is an ancient corruption of *Hieme*, Winter, as I have seen in an old Deed — *Reddend.* — *Ad Festum S. Martini in Peme*, &c. And in another of 4 Edw. 3. Thus, — *Reddend, quando dict: quatuor actæ terræ se-minantur feminæ Yermalij, duodecim Bussel. boni & legalis frumenti ad Festum Purificationis,* &c.

Peben or Peoben, (as we use at the end of Indentures, and other Instruments, *Yeoven the day, and year first above written*) Is a corruption from the Saxon *Geopian*, i. *Dare*, and is the same with *Given*. So *Diecum de Kenelworth* concludes with — **Peoben** and proclaimed in the Castle of Kenelworth the day before the *Calebris of Nov. Anno 1256.*

Peman or Poman (from the Sax. *Geman*, i. *Communis*) These Camden in his *Britan.* pag. 105. placeth next in order to *Gentleman*, calling them *ingenuos*, whose opinion the Statute affirms, *Anno 6 Ric. 2. cap. 4.* And 20 *Eiusdem. cap. 2.* Sir Ibo. Smith in his *Repub. Angl. lib. 1. cap. 23.* calls him a *Yoman*, whom our Laws call *Legalem hominem*, which (says he) is in English a Freeman born, that may dispense of his own Free-land, in yearly Revenue to the sum of Forty shillings Sterling. *Veslegan* (in his *restitution of Decayed Intelligence*, cap. 10.) writes, That *Geman* among the ancient Teutonicks and *Gemein* among the Modern, signifies as much as *Common*, and that the first Letter *G.* is in this word, as in many others, turned into *Y.* and so written *Yemen*, which therefore signifieth *Commoner*. *Yoman* signifies also an officer in the Kings House, in the middle place between the *Serjeant* and the *Groom*; as *Yoman of the Chaundry*, *Yoman of the Scallery*. *Anno 33 Hen. 8. cap. 12.* *Yoman of the Crown*. *Anno 3 Edw 4. cap. 5.* The word *Pongmen* is used for *Yomen* in the Statute of 33 Hen. 8. cap. 10. And I have seen it written *Jeman* in old Deeds. See *Jeman*.

Pingeman. *LL. Hen. 1. cap. 16.* *Danagil-dum quod aliquando Pingeman dabatur, i. 12 d. de unaquaque bida per annum, si ad terminum non reddatur, Vita emendetur.* The Learned Spelman thinks this may possibly be mistaken for *Englishman* or *Englyssman*, though he findes it written *Yngeman*, both in Sir Rob. Cottons Codex, and his own.

Pvernagium (from the Fr. *Hyverne*, i. The Winter-season) Was anciently used for the Winter-Seedness or Season for Sowing Corn. — *Dictus vero Willielmus & heredes sui arabunt unum Seilonem ad Yvernagium, & unum Seilonem ad Semen quadragesimale, & unum Seilonem ad Warectum, &c.* Carta Ricardi de Harrecut peres Tho. Wollascot Arm. Sine dat.

Z U

Z U

Z.

Zuebe (Zuchetus) Stips siccus & aridus,
A withered or dry stock of Wood. Rex,
Sc. Quia accepimus per Inquisitionem, quod

non est ad dampnum seu prejudicium nostrum,
aut aliorum, si concedimus dilecto valetto nostro
Ric. de Stelley omnes Zucheos aridos, quis An-
glice vocantur Stobenes infra Hayam nostram
de Beskerwood, qua est infra Forestam nostram de
Shirewode, Sc. Pla. Foresta in Com. Nott. de
Anno 8 Hen. 3. — Auxilium facend. Bur-
genibus Salop. de veteris Zuchis & de mortuis
bosco, Sc. Claus. 4 Hen. 3. m. 10.

F I N I S.

CORRIGENDA.

A	Bet, read, from the Sax. <i>a, i, ad.</i> Chancemedley, r. party <i>migbt.</i>	Infangthef, r. S. <i>Ben. Rames.</i> Insidatores viarum, r. arc words.
	Clerk of the Ax, <i>dele totum,</i> and read <i>Clerk of the Acts,</i> is an Officer of good account in the Navy Office, who receives and enters the Commissions and Warrants of the Lord Admiral, and Registers the <i>Acts</i> and Orders of the Commissioners of the Navy. <i>Anno 16 Car.2, cap.5.</i>	Institution, r. no <i>Franc-tenement.</i> Jury, r. publick or private. Knave, r. Sax. <i>cnapa, in every place;</i> &c. Knight, r. by <i>Divines.</i> Landa, r. a <i>Lawnd</i> or. Landcheap, r. Sax. <i>Landceap</i> from <i>ceapan,</i> Livery of Scisifn, r. <i>there was</i> —delivered— <i>Magna Charta, r. Sir Edw.</i>
	Consolidation, r. <i>usum fructum.</i> Contrabanded, r. or exported. Cordage, r. general <i>appellation.</i> Cuckingstool, r. <i>Scalfing-stole.</i> Defend, r. <i>Fence-moneth.</i> Dismes, r. <i>bath his share.</i> Divorce, r. a <i>divertendo.</i>	Manumission, r. <i>Sigillo Comitatus nostri.</i> Mise, r. <i>Lordz Marchers.</i> Naam, r. <i>quod inscribitur.</i> Nuisance, r. <i>Vicountiel.</i> Pecariz, r. <i>iv Precariæ in.</i> Saka, r. See <i>Sac.</i>
In	Eberemurder, r. <i>Eberemorþ.</i> Fardingdeal, r. Sax. <i>fæorrþ.</i> Farthing of Land, r. <i>peopling.</i> Flitchtwite, r. <i>contention</i> or Forathe, r. <i>modo—fidelem</i> <i>Franc-almoine, r. terrefrial.</i> Friburgh, r. <i>Fidejussor.</i> Frumstol, r. <i>Homestal.</i> LL. Furca, r. seu <i>Calefurcia.</i> Gabel, r. <i>Gafol al. Gafel.</i> Gardian, r. <i>Gabdung.</i> Gavelkind, r. <i>nominant. Hec terra.</i> Gultwit, r. for <i>Gyltwite.</i> Haga, r. <i>de quinque solidis.</i> Hamsoken, r. <i>Hamsocne</i> & <i>Fridebrice.</i> Hokeday, r. <i>Teneicallus Curiæ de.</i> Honor, r. <i>Clun,</i> Raleigh. Horngeld, r. Sax. <i>Hopn.</i> Imparlace, r. the like <i>Clausc.</i>	In Sea-rover, r. See <i>Pirato.</i> Serjeant, r. <i>Countor, is.</i> Serjeanty, r. <i>Donec peretus.</i> Sharping Corn, r. <i>Harrow Tines.</i> Shirif-tooth, r. & <i>terris in.</i> Soc, r. <i>Secca dc.</i> Socage, r. <i>Tenure of Lands.</i> Solidata terra, r. <i>Viccomitibus.</i> Specialitas, r. <i>ab eodem.</i> Suffragan, r. (<i>Baraganeus</i>) Team, r. <i>Children, Goods.</i> Terrage, r. <i>Pasago, Pasagio.</i> Theft, r. <i>Personal Goods.</i> Theftbote, r. <i>emenda furis.</i> Trista, r. <i>ni fallor.</i> Wainage, r. <i>contentement or</i> Warranty, r. <i>tenementa nostra.</i> Xenia, r. <i>ut omnia.</i>

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